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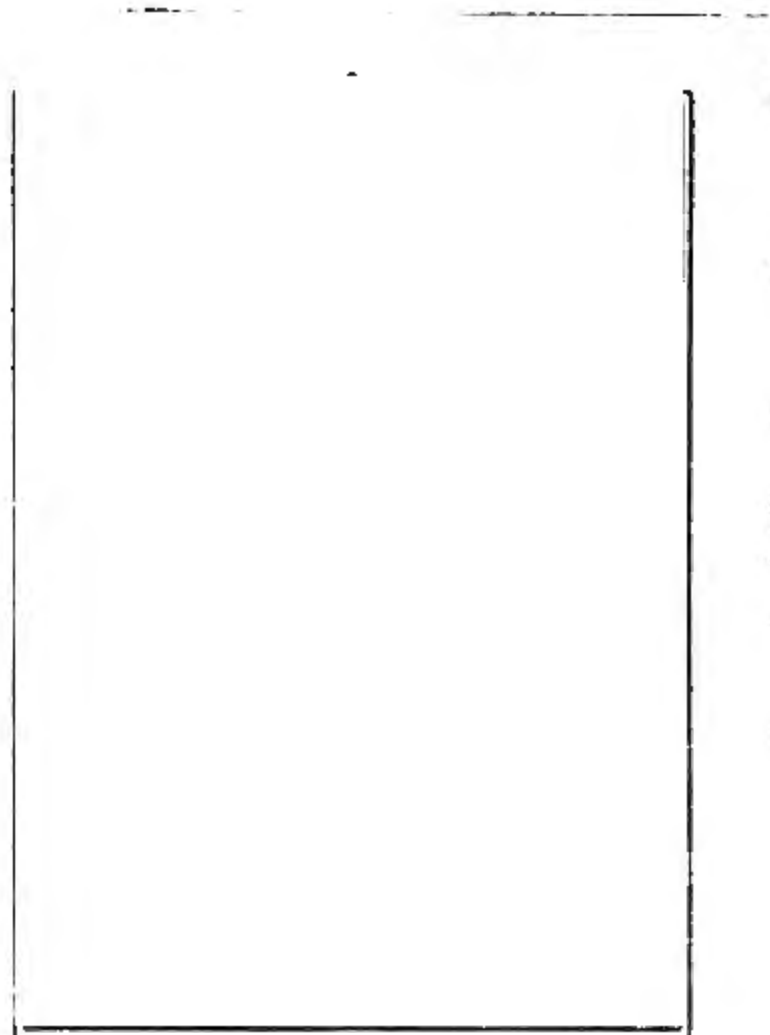
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DOCUMENTS

OF THE

ASSEMBLY OF THE STATE OF NEW YORK.

ONE HUNDRED AND THIRD SESSION,

1880.

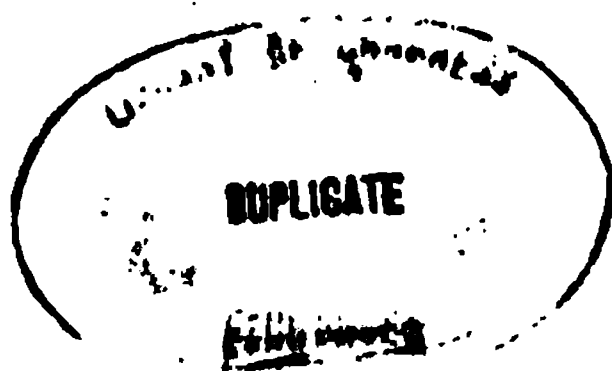
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1880.

D



STATE OF NEW YORK.

No. 110.

IN ASSEMBLY,

APRIL 7, 1880.

REPORT OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. , printed No. 27, entitled "An act to exempt the county of Orange from the provisions and requirements of chapter two hundred and eighty of the Laws of eighteen hundred and forty-five, entitled 'An act for the publication of the session laws in two newspapers in each county of this State,' and of the several acts amendatory thereof," reported in favor of the passage of the same, with amendments as follows:

Section one, line one, strike out word "the" and insert "any;" same line, strike out the words "Orange is hereby," and insert "this State may be." Also to add at the end of section one the following: "Whenever the board of supervisors of any county shall so resolve by a majority vote of such board passed at any annual or special session thereof."

Also to amend the title by striking out the word "the" in the first line, and insert "any;" also in same line strike out the word "Orange," and insert "this State."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,
Griggs,

Strait,
Chamberlain,
Wells,
Gorsline,

Nowlan,
Fish,
Ingersoll,
Van Valkenburgh.—13

Negative:

Cookinham,

Evans.—2.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 619, printed No. 544, entitled "An act to prevent interference with owners and captains of steamers engaged in the towing business", reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Griggs, | Gorsline, | Van Valkenburgh.—15 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 489, printed No. 443, entitled "An act to amend chapter four hundred and fifty-eight of the Laws of eighteen hundred and seventy-five, entitled 'An act to amend chapter eight hundred and seven of the Laws of eighteen hundred and seventy-three, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|------------|---------------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Cookinham, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—13 |
| Griggs, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 530, printed No. 98, entitled "An act to amend chapter four hundred and sixty-one of the Laws of eighteen hundred and seventy-seven, entitled 'An act to confer the powers of harbor masters on the police patrolmen detailed to certain docks and piers in said city, by the board of commissioners of police and excise of the city of Brooklyn,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Griggs, | Gorsline, | Van Valkenburgh.—14 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 244, printed No. 227, entitled "An act to further amend section two of chapter one hundred and thirty-nine of the Laws of eighteen hundred and seventy, as amended by chapter four hundred and two of the Laws of eighteen hundred and seventy-seven, entitled 'An act to annex parts of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes and to annex a part of the city of Albany to the town of Watervliet,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish, |
| Clancy, | Cookinham, | Van Valkenburgh.—14 |
| Griggs, | Gorsline, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 525, printed No. 471, entitled "An act entitled 'An act to fix and regulate the rates of toll on the Overlook Turnpike Company, in the counties of Ulster and Greene,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Griggs, | Gorsline, | Van Valkenburgh.—15 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 356, printed No. 330, entitled "An act to authorize joint-stock fire insurance companies to issue policies providing against loss or damage by lightning," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Chamberlain, | Fish, |
| Duell, | Wells, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—14 |
| Griggs, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 577, printed No. 506, entitled "An act to legalize and confirm the official acts of William J. Robb, a justice of

the peace of the town of Perth, in the county of Fulton, New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Griggs, | Gorsline, | Van Valkenburgh.—15 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 421, printed No. 386, entitled "An act to reduce and fix the rate of interest on bonds and mortgages held by the commissioners of the United States Deposit Fund in the several counties of the State," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—13 |
| Griggs, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 474, printed No. 431, entitled "An act authorizing the village of Wellsville, New York, to appropriate portions of its highway moneys to the laying of stone sidewalks," reported in favor of the passage of the same, without amendment.

The bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|------------|---------------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Wells, | Fish, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—14 |
| Griggs, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 500, printed No. 452, entitled "An act authorizing the commissioners of the several towns and cities of the counties of Cayuga, Tompkins, Cortland and Tioga to sell stock of Southern Central railroad with which to pay the bonded indebtedness of such towns and cities," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Griggs, | Gorsline, | Van Valkenburgh.—15 |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 512, printed No. 100, entitled "An act in relation to the deposit of stocks in the bank department," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish |
| Clancy, | Cookinham, | Ingersoll, |
| Griggs, | Gorsline, | Van Valkenburgh.—15 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 613, printed No. 522, entitled "An act to prevent malicious annoyance," reported in favor of the passage of the same, with an amendment as follows:

SECTION 1. Line three, after the word "letter," insert "postal card."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|--------------|---------------|
| Titus, | Strait, | Gorsline, |
| Dougherty, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll.—13 |
| Griggs, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 240, printed No. 223, entitled "An act to grant relief to the sureties of trustees appointed by the supreme court of the State of New York," reported in favor of the passage of the same, with amendments as follows:

Strike out all after enacting clause and insert the following:

SECTION 1. The surety of any trustee, committee or guardian appointed by or accountable to the supreme court shall, by said court at special term on good cause shown, be relieved from liability as surety for the acts or omissions of the trustees, committee, or guardian occurring after the date of the order relieving the surety. The surety of any trustee, committee or guardian appointed by or accountable to a county court shall, by said court on good cause shown, be relieved from liability as surety for the acts or omissions of the trustee, committee or guardian occurring after the date of the order relieving the surety.

§ 2. Application for such relief may be made by any surety or his representative upon a verified petition, setting forth the particulars of the trust, the names and residence of all persons interested in the trust, and, if any are under age, the age of such and the reason for seeking relief. The petition may be supported by additional proof.

§ 3. At least ten days' notice of the time when and court at which the petition will be presented, with a copy of the petition and proofs in support thereof, shall be personally served upon the trustee or committee, and upon all persons interested in the trust, except persons residing out of this State, and upon such persons the notice, and the manner in which it shall be given, shall be prescribed by the court in each case.

§ 4. If sufficient cause be shown the trustee, committee or guardian shall be ordered to account before the court or a referee, and upon the trust fund or estate being found or made good, the surety shall be discharged.

§ 5. The court may require the trustee, committee or guardian to give new security for the faithful discharge of his duties, and in case of failure so to do, discharge such trustee, committee or guardian, and appoint a new trustee, committee or guardian.

§ 6. The court in which the proceedings are instituted, or a judge or justice thereof, may, by order, restrain the trustee, committee or guardian from acting pending proceedings, upon it being made to appear to the satisfaction of such court, judge or justice, that the rights of any party are endangered, or are about to be endangered by such trustee, committee or guardian.

§ 7. Proceedings under this act in the supreme court shall be had in the judicial district in which the trustee, committee or guardian resides; or if there be more than one trustee, committeeman or guardian in the judicial district in which some of them resides, proceedings in a county court shall be had in the county in which the trustee, committee or guardian was appointed.

§ 8. Words in this act used in the masculine gender include the feminine, and words in the singular number include the plural, and words in the plural include the singular.

§ 9. This act shall take effect immediately.

Also to amend the title so that it will read :

An act to grant relief to the sureties of trustees, committees or guardians appointed by or accountable to the supreme court, or to any county court of the State.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Clancy,
Griggs,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 562, printed No. 495, entitled "An act to further amend an act entitled 'An act to amend chapter sixty-five of the Laws of eighteen hundred and seventy-eight, relating to the collection of taxes in the counties of Livingston, Montgomery, Oswego, Ulster and Ontario,' and amended by chapter two hundred of the Laws of eighteen hundred and seventy-nine," reported in favor of the passage of the same, with amendments as follows:

To insert as section two the following :

§ 2. The eighth section of said act is hereby amended so as to read as follows :

§ 8. The owner of, or any person interested in any real estate sold for taxes as aforesaid, may redeem the same at any time within two years after the last day of such sale, by paying to the said county treasurer of the county in which the real estate so sold is situated, for the use of the purchaser, his heirs and assigns, the sum mentioned in his certificate, and the interest thereon at the rate of ten per cent per annum, to be calculated from the date of such certificate, together with any tax the holder of said certificate shall have paid in the interim between the days of sale and redemption.

Also to change section "two" to section "three."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Fish, |
| Dougherty, | Wells, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—11 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 583, printed No. 509, entitled "An act to prevent fishing with nets in a part of the waters of Lake Ontario," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan. |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Griggs, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 333, printed No. 308, entitled "An act to authorize the improvement of the public squares, parks or places in the Fourth avenue between Sixty-seventh and Ninety-sixth streets in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Clancy,
Griggs,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll,
Van Valkenburgh.—13

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 605, printed No. 533, entitled "An act to amend chapter four hundred and eighty-two of the Laws of eighteen hundred and seventy-five, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Clancy,
Griggs,

Strait,
Chamberlain,
Wells,
Cookinham,

Gorsline,
Nowlan,
Fish,
Ingersoll.—12

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 485, printed No. 439, entitled "An act for grading and planking Delaware avenue, in the city of Albany, from the north line of Warren street to the division line between the city of Albany and the town of Bethlehem, and to provide for the payment of the same," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Clancy,
Griggs,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll,
Van Valkenburgh.—13

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 567, printed No. 500, entitled "An act to amend chapter three hundred and sixty-nine of the Laws of eighteen hundred and sixty-eight, entitled 'An act to amend the act incorporating the village of Phoenix, in the county of Oswego,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Clancy,
Griggs,

Strait,
Chamberlain,
Wells,
Cookinham,

Gorsline,
Nowlan,
Ingersoll,
Van Valkenburgh.—12

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 520, printed No. 466, entitled "An act to amend chapter nine hundred and two of the Laws of eighteen hundred and sixty-nine, in relation to securities deposited by life insurance companies with the superintendent of insurance," reported in favor of the passage of the same without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|------------|---------------------|
| Titus, | Cookinham, | Fish, |
| Dougherty, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—10 |
| Wells, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 528, printed No. 473, entitled "An act for the relief of Bridget Gray, of the city of Albany, widow of Samuel Gray, late of the city of Albany, county of Albany, and State of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Strait, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 634, printed No. 555, entitled "An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which George Johnson died seized to Catharine Johnson, his widow," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Strait, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill Int. 967, not printed, entitled "An act to release to the widow and children of Charles Dodge, deceased, the interest of the people of the State of New York in and to certain real estate in the county of Fulton," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll,
Van Valkenburgh.—12

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 594, printed No. 519, entitled "An act to amend chapter three hundred and sixty of the Laws of eighteen hundred and sixty-seven, entitled 'An act to amend and consolidate the several acts in relation to the village of Rhinebeck,' passed February second, eighteen hundred and sixty-seven," reported in favor of the passage of the same, with an amendment as follows:

To amend the title by striking out the words "passed February second, eighteen hundred and sixty-seven."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,
Chamberlain,

Wells,
Cookinham,
Gorsline,
Nowlan,

Fish,
Ingersoll,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 235, printed No. 218, entitled "An act to amend chapter four hundred and forty-six, Laws of eighteen hundred and seventy-nine, entitled 'An act to amend chapter three hundred and sixty-one, Laws of eighteen hundred and sixty-seven, entitled 'An act authorizing supplementary proceedings for the collection of taxes,'" reported in favor of the passage of the same, with an amendment as follows:

§ 5. Line four, after the word "wards," insert "and as to taxes heretofore returned within one year from the passage of this act."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll,
Van Valkenburgh.—12

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 201, printed No. 186, entitled "An act to authorize the Knickerbocker Casualty Insurance Company to increase its capital stock," reported in favor of the passage of the same, with amendments as follows:

Strike out all after the enacting clause and insert as follows:

SECTION 1. Section twenty-one of chapter four hundred and sixty-three of the Laws of eighteen hundred and fifty-three, entitled "An act

to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies is hereby amended so as to read as follows:

§ 21. Any existing company incorporated by or authorized under the Laws of this State for the purposes mentioned in this act may avail themselves of the provisions of this act after publishing their intentions for six weeks in the State paper, and obtaining the consent of the majority of the trustees or directors and complying with the third section of this act in relation to the filing and contents of the declaration therein referred to, and any existing company incorporated by or authorized under the Laws of this State, or any company formed under this law, to transact the business embraced in the second department of section one of the act hereby amended may, at any time, increase the amount of its capital stock upon the same proceedings being had as are required by a fire insurance company as provided in chapter four hundred and sixty-six of the Laws of eighteen hundred and fifty-three with the amendments thereto.

§ 2. This act shall take effect immediately.

Also to amend the title so that it will read:

“An act to amend chapter four hundred and sixty-three of the Laws of eighteen hundred and fifty-three, entitled ‘An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.’”

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Strait, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 191, printed No. 176, entitled “An act for the relief of Theodore P. Ballou,” reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 422, printed No. 387, entitled “An act in relation to the valuation of the property of the president, managers, and company of the Delaware and Hudson Canal Company in school districts, for the purpose of taxation,” reported in favor of the passage of the same, with amendments as follows:

Section five, line one, after the word "requested," insert "once each year;" same section, line two, after the word "company," insert "and to the trustees or board of education of each school district, to which any portion of said appropriation belongs."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------|
| Titus, | Chamberlain, | Gorsline, |
| Dougherty, | Wells, | Nowlan, |
| Clancy, | Cookinham, | Ingersoll.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 581, printed No. 508, entitled "An act in relation to the duties of supervisor for the town of Saratoga Springs," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Strait, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 481, printed No. 435, entitled "An act to amend chapter eight hundred and seventeen of the Laws of eighteen hundred and seventy-three, entitled 'An act to provide for the support of the poor in the county of Jefferson,'" reported in favor of the passage of the same, with amendments as follows:

To add as section two the following:

§ 2. The action of the legal voters of the town of Henderson in electing Levi H. Crittenden as overseer of the poor on February seventeenth, one thousand eight hundred and eighty, is hereby ratified, legalized and confirmed.

Change section two to section three; also to amend the title by adding at the end thereof the following: "And to legalize the action of the legal voters of the town of Henderson in the election of an overseer of the poor."

Said bill was ordered reported by the following bill:

Affirmative:

| | | |
|------------|--------------|--------------------|
| Titus, | Chamberlain, | Gorsline, |
| Dougherty, | Wells, | Ingersoll, |
| Clancy, | Cookinham, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 521, printed No. 467, entitled "An act

in relation to companies insuring steam boilers," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Ingersoll, |
| Clancy, | Cookinham, | Van Valkenburgh.—11 |
| Strait, | Gorsline, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 366, printed No. 389, entitled "An act to amend section eleven of an act entitled "An act to incorporate the Society for the Relief of Half Orphan and Destitute Children in the city of New York,"" reported in favor of the passage of the same, with an amendment as follows:

Strike out all of section one after the word "society" in line eight.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Strait, | Gorsline, | Van Valkenburgh.—12 |

STATE OF NEW YORK.

No. 111.

IN ASSEMBLY,

APRIL 8, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 693, printed No. 76, entitled "An act in relation to the port and harbor of New York and the waters near the same," reported in favor of the passage of the same, with amendments as follows:

Section one, line seven, strike out the words "of the Atlantic ocean;" same line, strike out the word "five," and insert "three."

Section two, line four, strike out the word "now."

Strike out all of section four.

Section five, line five, strike out the words "laws of the United States," and insert "provisions of this act."

To make section "five" section "four," and make section "six" section "five."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,
Carpenter, E. A.,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll,
Van Valkenburgh.—14

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 277, printed No. 257, entitled "An act to amend chapter eighty of the Laws of eighteen hundred and seventy, entitled 'An act to provide for the enrollment of the militia for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the Military Code,' " reported in favor of the passage of the same, with amendments as follows:

Section one, line thirteen, after the word "bands," insert "but not enlisted."

Section three, line five, strike out the word "such."

Section five, line six, after the word "musician," insert "not exceeding twenty-five in number."

Section eight, lines three and four, strike out the words "or separate troop, battery or company;" same section, line five, strike out the word "armories;" also in line six, strike out the words "or separate troop, battery or company."

Section nine, line fifteen, after the word "bands," insert "not enlisted;" same line, strike out the word "four;" same section, line twenty, strike out the words "one with the commandant of the regiment or battalion."

Section ten, line five, strike out the word "four."

Section eleven, line six, strike out the words "and musicians," and insert "and enlisted band."

Section twelve, strike out all of the section after the word "hereby" in the first line, and insert "repealed."

To add as section thirteen the following:

§ 13. Section one hundred and seventy-eight of said act is hereby amended so as to read as follows:

§ 178. The comptroller shall annually draw his warrant upon the treasurer in favor of the county treasurer of each county for the sum of one thousand five hundred dollars for each regiment, and the sum of one thousand dollars for each battalion, and the sum of one thousand dollars for each separate mounted battery, and the sum of two hundred dollars for each separate battery not mounted, and the sum of six hundred dollars for each separate troop of cavalry, and the sum of five hundred dollars for each separate company of infantry, certified by the adjutant-general to be organized according to the provisions of this act within the county; or in case any regiment, battalion or separate troop, battery or company of infantry is organized in two or more counties, then the comptroller shall draw his warrant in favor of such county treasurer as the adjutant-general may in his certificate direct; which sums, and also those paid in like manner by the State, in lieu of furnishing uniforms and equipments, as provided in section one hundred and thirteen of this act, together with the fines collected from delinquent officers, non-commissioned officers, musicians and privates, shall constitute the military fund of such regiment, battalion or separate troop, battery or company of infantry.

Section sixteen, line three, make the word "court" read "courts;" line four, make the word "court" read "courts;" line five, strike out the words "two weeks;" line seven, strike out word "the" after the word "of."

Section seventeen, line three, strike out word "the" after the word "before;" line four, strike out word "his."

Section eighteen, line three, strike out first word "such."

Section nineteen, line four, strike out word "offenses;" line five, strike out first word "or."

Section twenty, line nine, strike out word "the;" line twelve, strike out word "his" and insert "their."

Section twenty-one, line five, strike out word "or;" line six, strike

out word "and ;" line eight, after the word "troop" strike out word "or."

Section twenty-five, line sixteen, after the word "to" insert "court-martial ;" line seventeen, strike out the words "of court-martial" and insert "thereof."

Also to change section thirteen to section fourteen, section fourteen to section fifteen, section fifteen to section sixteen, section sixteen to section seventeen, section seventeen to section eighteen, section eighteen to section nineteen, section nineteen to section twenty, section twenty to section twenty-one, section twenty-one to section twenty-two, section twenty-two to section twenty-three, section twenty-three to section twenty-four, section twenty-four to section twenty-five, section twenty-five to section twenty-six, section twenty-six to section twenty-seven.

Said bill was ordered reported by the following vote :

•
Affirmative :

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Dougherty, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 354, printed No. 476, entitled "An act for the better security of the bonds of public officers and others," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Strait, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 522, printed No. 468, entitled "An act to amend an act entitled 'An act to amend and reduce to one act the several acts relating to buildings, and the keeping and storage of combustible materials in the city of New York,' passed May fourth, eighteen hundred and sixty-six," reported in favor of the passage of the same, with an amendment as follows :

To amend the title so that it will read :

"An act to amend chapter eight hundred and seventy-three of the Laws of eighteen hundred and seventy-six, entitled 'An act to amend and reduce to one act the several acts relating to buildings, and the keeping and storage of combustible materials in the city of New York.'"

Said bill was ordered reported by the following vote :

•

Affirmative:

Titus,
Dougherty,
Clancy,
Carpenter, E. A.,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll,
Van Valkenburgh.—14

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 336, printed No. 311, entitled "An act to reduce the width of Riker avenue, in Long Island City, in the county of Queens, from one hundred and thirty feet to eighty feet," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,
Carpenter, E. A.,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll,
Van Valkenburgh.—14

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 625, printed No. 549, entitled "An act for the relief of the Union Plank Road Company," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,
Carpenter, E. A.,

Strait,
Chamberlain,
Cookinham,
Gorsline,

Nowlan,
Evans,
Fish,
Ingersoll.—12.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 627, printed No. 551, entitled "An act to amend chapter three hundred and nineteen of the Laws of eighteen hundred and forty-eight, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary purposes,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,
Strait,
Chamberlain,

Wells,
Cookinham,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll,
Van Valkenburgh.—13

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 214, printed No. 197, entitled "An act to repeal chapter four hundred and fifty-eight of the Laws of eighteen hundred and seventy-one, entitled 'An act to provide for the extension of the Rondout and Oswego railroad to the east bank of the Hudson river and to establish a ferry over said river,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Evans, |
| Clancy, | Cookinham, | Ingersoll, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—13 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 234, printed No. 217, entitled "An act in relation to uncollected taxes in the several towns and wards in this State," reported in favor of the passage of the same, with an amendment as follows:

Section one, line five, strike out the words "so long as the same shall remain unpaid" and insert "until the same is returned by said treasurer to the comptroller."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—14 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 580, printed No. 507, entitled "An act to suppress tippling and the drink trade in the county of Allegany," reported in favor of the passage of the same, with amendments as follows:

Section one, line two, change word "county" to counties;" same line, after the word "Allegany" insert "and Steuben."

Section two, line two, change word "county" to "counties."

Section ofur, line one, change word "county" to "counties;" same line, after the word "Allegany" insert "and Steuben."

Section six, line five, change word "treasurer" to "treasurers;" same line, change the word "county" to "counties;" and insert after the word "counties" "respectively."

Section seven, line one, change word "county" to "counties"

Section nine, line two, change word "county" to "counties;" also add after the word "Allegany" "and Steuben."

To amend the title so that it will read:

"An act to suppress tippling and the drink trade in the counties of Allegany and Steuben."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|------------|---------------|
| Titus, | Wells, | Evans, |
| Carpenter, E. A., | Cookinham, | Fish, |
| Strait, | Gorsline, | Ingersoll.—11 |
| Chamberlain, | Nowlan, | |

Negative:

| | | |
|------------|---------|--------------------|
| Dougherty, | Clancy, | Van Valkenburgh.—3 |
|------------|---------|--------------------|

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 543, printed No. 487, entitled "An act to authorize deeds for burial lots in rural cemeteries to be recorded in any county in which any part of said cemeteries may be located," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—14 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 532, printed No. 477, entitled "An act to provide for the honorable discharge of certain members of the national guard," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Evans, |
| Clancy, | Cookinham, | Fish, |
| Strait, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 175, printed No. 162, entitled "An act in relation to the equalization of taxes and assessments in the county of Chemung, passed , eighteen hundred and eighty, three-fifths being present," reported in favor of the passage of the same, with amendments as follows:

Section two, line eleven, after the word "selected" insert "or a majority of them."

Also to amend the title so that it will read:

An act in relation to the equalization of taxes and assessments in the county of Chemung.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—14 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 312, printed No. 289, entitled "An act to amend chapter one hundred and fifty-one of the Laws of eighteen hundred and seventy-three, entitled 'An act for the relief of stockholders of corporations whose certificates of stock have been lost or destroyed,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|------------|---------------------|
| Dougherty, | Wells, | Evans, |
| Clancy, | Cookinham, | Fish, |
| Carpenter, E. A., | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—13 |
| Chamberlain, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 418, printed No. 383, entitled "An act to amend chapter five, title two, part two of the Revised Statutes of the State of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—14 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 688, printed No. 601, entitled "An act to provide for leasing wharf property necessary for ferry purposes along with the franchise of a ferry within the city of New York," reported in favor of the passage of the same, with an amendment as follows:

Section one, lines two and three, strike out the words "and directed."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Clancy, | Cookinham, | Ingersoll, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—12 |

STREET CLEANING.

REPORT

OF THE

COMMITTEE ON THE AFFAIRS OF CITIES

TO THE

ASSEMBLY OF THE STATE OF NEW YORK,

April, 1880,

AS TO

**THE PRESENT SYSTEM OF STREET CLEANING IN THE CITY
OF NEW YORK, AND THE MEANS WHEREBY A MORE
EFFICIENT AND ECONOMICAL METHOD OF
DOING THE WORK MAY BE SECURED.**

(ASSEMBLY DOCUMENT No. 112.)

COMMITTEE:

JAMES M. VARNUM, New York, CHAIRMAN.

HENRY L. DUGUID, ONONDAGA.

CHARLES S. BAKER, MONROE.

GEORGE B. DEANE, New York.

EVERETT A. CARPENTER, SUFFOLK.

ALBERT C. COMSTOCK, RENS'LAER.

WILLIAM H. SLINGERLAND, ALBANY.

JAMES ASH, ERIE.

JOHN E. BRODSKY, New York.

HENRY C. HOFFMAN, CHEMUNG.

FRANK P. TREANOR, New York.

CLERK, J. THOMAS STEARNS.

ALBANY:

WEED, PARSONS & CO., PRINTERS.

1880.

ANALYSIS OF REPORT.

INTRODUCTION.

The streets are not clean.

How best to clean them an old problem.

Information collected by committee valuable.

Kinds of refuse in a city.

Their relative proportions.

Statistics as to relative expense of removing them.

Number of cart-loads of each.

I. PRESENT MANAGEMENT OF STREET CLEANING.

Police department and its powers.

Appropriations 1873 to 1880.

Property owned by the bureau 1880.

List of employees and salaries.

Location of dumps.

Pavement in city — amount and character.

II. DETAILS OF PRESENT SYSTEM.

Organization of bureau.

Work, how done.

Street cleaning machines.

Dumping at wharves.

Removal to sea.

Scows — their capacity and condition.

Difficulties as to dumping.

Dumping in harbor.

Inspector Conway's report thereon.

Proportion of refuse sent to sea in 1879.

Epitome of present system.

Its defects, and their cause.

- (a) Views of police department.
- (b) Views of critics.
- (c) Suggestions as to remedies.
 - (1) By change of government.
 - (2) By adoption of contract system.
 - (3) By enforcing separation of ashes and garbage.
 - (4) By securing better dumping ground.

Suggestions of Municipal Society and Council of Political Reform.

The committee's views as to the defects in the present system.

III. THE CONTRACT SYSTEM FULLY CONSIDERED.

Its trial in the past.

Statistics from 1830 showing its complete failure.

Views of Mayor Cooper, Prof. Chandler and Comptroller Kelly.

Views of Commissioner Campbell.

General consideration of the subject.

Distinction between this and other contracts shown.

Separate contracts for special work favored.

Difficulties about "small contract" system.

The contract system and political influence.

Conclusions of committee.

The adoption of contract system for the whole city is not advisable.

IV. SEPARATION OF ASHES, GARBAGE AND STREET DIRT CONSIDERED.

General considerations—*feasibility and advisability*.

Refuse mixed with garbage not a good filling—exceptions.

Arguments for separation.

- (1) Economy.
- (2) Ready disposition of all refuse.

Subject considered in detail.

(A) *Street Dirt.*

Its character and amount.

Value as a fertilizer.

Committee believe it should be kept separate from other refuse.

True principle of action.

Attempts to sell street dirt.

Impossibility of storing it.

Demand spasmodic, limited, and confined to small portion of the year.

Illustration of above.

Committee's views as to disposition.

(B) Ashes and Garbage.

Their respective uses when separate.

Practical questions as to separation.

(1) Can it be enforced.

(2) What will be advantages.

1. Feasibility.

(a) Views of police commissioners and officers.

Small proportion of garbage.

Whence it comes.

Difficulties in tenement-house districts.

(b) Views of mayor, Prof. Chandler and others.

(c) Experience of past, and of other cities.

(d) Conclusions of the committee.

2. Advisability.

Extra expense of separation.

Demand for ashes considered.

Demand for garbage.

Present disposition of much of garbage from hotels and houses.

Note as to the above.

Disadvantages of having city dependent on private contractors for removal of refuse.

Receipts from sales of street sweepings in the past.

3. Conclusions of committee, and reasons therefor.

Offer of Hon. Henry Hilton — consideration of same — reasons why not accepted.

Offers of Aaron Stone and H. B. Montross.

Proper requirement in any contract.

Final conclusion of committee is that some alternative and independent mode of disposition must be found.

V. DISTINCTION BETWEEN NEW YORK AND MOST OTHER CITIES.

1. Peculiar location.
2. Character of population.
3. Amount of traffic and area.
4. Character of pavements.

VI. WHAT SHALL BE DONE WITH THE REFUSE.

1. Insufficiency of plan previously suggested.
- 2. The Manchester plan.
3. Burning garbage.
4. Dumping grounds near the city.
5. The deep sea the only permanent dumping ground.
6. The dumping ground should be moved further out to sea.
7. Necessity for steam self-dumping scows.

VII. GOVERNMENT OF THE DEPARTMENT.

Political influence in its bearings upon this question.

Suggestions as to change in government, and consideration thereof.

Radical difference of views between the critics

Conclusion of committee.

VIII. PRACTICAL RECOMMENDATIONS.

As to pavement.

As to government.

As to practical work.'

As to the work of street cleaning proper.

As to disposition of refuse.

Legislation suggested.

STATE OF NEW YORK.

No. 112.

IN ASSEMBLY,

JANUARY 12, 1880.

REPORT

OF COMMITTEE ON THE AFFAIRS OF CITIES IN RELATION TO STREET CLEANING IN THE CITY OF NEW YORK.

To the Assembly:

Your committee on the affairs of cities respectfully report: That, in pursuance of the authority granted them by a resolution of the assembly, passed February 4th, 1880, authorizing them to hold sessions in the city of New York for the purpose of investigating the street-cleaning system of said city, and other matters, they held sessions in said city on the 27th and 28th days of February, 1880, in the chamber of the board of aldermen at the City Hall, for the purpose of considering the feasibility of improving the system of cleaning the streets of the city of New York; that, under the power given to them to send for papers, they made requisition upon various departments of the government of the city of New York and upon persons and officers of other cities for information which they deemed necessary for the purpose of their investigation. The documents so received by your committee were, on the 1st day of March, 1880, submitted to the assembly. During the investigation, a number of witnesses were examined; among them the Hon. Edward Cooper, mayor of the city of New York; the Hon. John Kelly, comptroller; the Hon. Allan Campbell, commissioner of public works; Prof. C. F. Chandler, chairman of the board of health; Police Commissioners Sidney P. Nichols and John G. Voorhies; Inspector Thorne and Captains Gunner, Hedden and Williams, of the police force, who have been successively inspectors of the bureau of street

cleaning; Townsend Cox, president of the board of commissioners of charities and corrections; H. F. Dimock, one of the dock commissioners of said city; Richard A. Storrs, deputy comptroller; Seth C. Hawley, chief clerk of the board of police; J. B. Green, chief clerk of the bureau of street cleaning; Ambrose Snow, president of the board of pilot commissioners; J. Conway, inspector of the board of pilot commissioners; Edgar Ketchum, representing the managers of the house of refuge; Henry Hilton; Major-General John Newton, U. S. A.; and Allan S. Heath and Aaron Stone, representing the farmers' club of the American Institute.

Your committee further report that, before proceeding to New York, they gave due hearing to representatives of the council of political reform and the municipal society, two organizations of the city of New York, which had prepared and caused to be introduced into the assembly bills in relation to street cleaning. Your committee thereupon prepared a circular and requisition for information, which was reported to this house among the other papers in relation to this matter on the 1st day of March, 1880. From the information thus furnished the committee by oral or documentary evidence as aforesaid, your committee now respectfully report the following as the result of their investigation and their deliberations thereon.

That the streets of New York are not kept as clean as they should be is a fact which scarcely requires to be demonstrated.

The president of the board of health and the mayor of the city bear testimony to the fact, and the careful reports of the inspectors of the board of health and of the association for improving the condition of the poor, submitted with this report, are conclusive. It must be said, however, in justice to the authorities having charge of the matter, that the inspectors' reports submitted herewith are for a season of the year when the severity of the weather and the accumulation of snow and ice seriously interferes with street cleaning.

The problem as to how the streets of New York can best be cleaned is no new one; it has been a constant source of discussion and difference of opinion for more than fifty years past, but as yet no satisfactory solution has been found.

Your committee believe that if their investigation accomplishes nothing else, it will nevertheless present to the public a larger amount of valuable statistical and practical information upon the subject than has ever yet been collected, which may guide those interested in the matter in devising plans for fully perfecting a proper and efficient system hereafter.

Many of those who have entered upon the discussion of this

subject, and expressed decided opinions as to what is the proper method for abating the evils complained of, have had little or no practical experience or information as to the actual workings of the system, and the main difficulties attending street cleaning and removal of refuse in a city like New York, and they jump at once to the conclusion that there is no distinction in the matter between the city of New York and any other large cities of this country and Europe.

We shall endeavor in this report to show what some of the points of distinction are, which should be given due weight in considering this subject.

The refuse of a large city may be divided into three general and distinct classes.

1st. The street sweepings, composed of all street dirt, including considerable manure, and large amount of rubbish of every conceivable character which has been thrown into the street.

2d. The products of combustion, such as ashes, coke, slag, etc., which are also in most cases largely mixed with rubbish.

3d. The refuse of kitchens, dwellings, restaurants, hotels, stores, markets, manufactories, etc., commonly called garbage.

The distinction between the above classes is important in considering the subject. It has been estimated, from the collections of the department, that in amount these three classes of refuse are found to be in about the following proportions:

Ashes, 60 per cent ; garbage, 10 per cent ; street sweepings, 30 per cent.

The popular impression is that the appropriation annually made for street cleaning is expended mainly on cleaning the streets, but the actual fact is that but a small proportion is so expended, a very large part of the appropriation being used for what might properly be called "cleaning the houses," viz.: the removal of ashes and garbage, and nearly as large an amount for the expense of removing all the refuse from the wharves to the dumping grounds. Thus, in 1879, out of an expenditure of \$664,310, the items were divided about as follows:

| | |
|--|-----------|
| Street cleaning, proper | \$148,512 |
| Gathering ashes and garbage and street dirt, and transporting them to dump | 338,463 |
| Removing all refuse from dumps to ocean or final dumping ground | 156,342 |
| Scows in harbor to collect ashes, etc | 2,900 |
| Removing snow and ice (separate account) | 18,091 |

The statements furnished by the commissioners of accounts and submitted herewith give statistics on the subject for five years past. A more detailed analysis of the statement for 1879 shows that the expenditure may be more accurately divided as follows:

| | |
|---|---------------------|
| Special expenses street cleaning..... | \$148,512 00 |
| Collecting street sweepings and carting to dump..... | 86,066 89 |
| Removing same from city in scows..... | 39,755 93 |
| | <hr/> |
| Total for street cleaning..... | \$274,335 59 |
| Expenses collecting ashes and garbage and removing to dumps..... | \$252,396 69 |
| Removing same from city in scows.... | 116,586 83 |
| | <hr/> |
| Total for removing ashes and garbage..... | <u>\$368,983 52</u> |

It thus appears that more than four-sevenths of the entire appropriation was expended for the collection and removal of ashes and garbage.

It appears, also, by the same statements, that out of 1,077,094 cart loads of refuse removed in 1879, there were of

| | |
|-------------------------|----------------|
| Ashes and garbage | 803,203 |
| Street sweepings..... | <u>273,891</u> |

The actual expenses for street cleaning proper in 1879 having been found to be \$274,335, if we divide this amount by the number of miles of paved streets in the city (about 330), we find the annual expense per mile of cleaning the streets, excluding removal of ashes and garbage, is \$831 per mile.

PRESENT MANAGEMENT OF STREET CLEANING.

By chapter 677 of the Laws of 1872, the board of police in the city of New York has exclusive power, and is charged with the duty of causing all streets, avenues, lanes, gutters, wharves, piers and heads of slips to be thoroughly cleaned from time to time, and kept at all times thoroughly cleaned. It is to remove from the city daily, and as often as may be necessary, ashes, garbage, rubbish, sweepings of every kind, except such dirt and ashes as in the judgment of the board of health may be suitable to fill low and sunken lots.

In addition, it is to remove all offal, dead animals, blood, and other refuse matter; but as this part of its duty is not within the scope of our inquiry, we shall not quote further from the statute concerning it, nor notice it in this report, except to remark in passing, that the expense of performing this work is entirely distinct from, and additional to, the appropriation for street cleaning.

The statute places at the disposal of the police board suitable and sufficient docks, piers, slips, and berths in slips, necessary for carrying out their work; authorizes them to contract for the sale of manure, dirt sweepings, and garbage, at prices to be fixed by themselves, the proceeds to be applied to reduce the expenses of their work, and empowers them to appoint such officers, agents, and employees as they may find necessary to perform such duties as cannot be advantageously performed by members of the police force; fix their compensation, employ laborers, purchase or hire horses, carts, and the necessary boats and other materials essential to performing their duties.

The money to pay their expenditures shall be fixed annually by the board of apportionment, after consideration and revision of the estimate thereof by the police commissioners, and inserted in the tax levy.

The appropriations thus made since 1873 have been:

| | |
|-----------|--------------|
| 1873..... | \$975,000 00 |
| 1874..... | 975,000 00 |
| 1875..... | 755,000 00 |
| 1876..... | 725,000 00 |
| 1877..... | 724,852 64 |
| 1878..... | 692,685 23 |
| 1879..... | 667,181 00 |
| 1880..... | 690,000 00 |

In 1880 an additional appropriation of \$135,000.00 was made for purchase of tugs, scows, apparatus and new stock.

From the reports to this committee of the commissioner of accounts of the city of New York, it appears that on the 24th day of February, 1880, the department owned the following property:

64 carts (50 in good order, 6 under repair, 8 needing repair).

12 sweeping machines (one-horse), in good order.

4 sweeping machines (two-horse), of which 11 need repair.

94 horses (79 in good working order, 2 in hospital, 13 in poor condition).

22 scows (19 in working order, 1 used as an anchorage in Gravesend bay, 2 sunk).

And no tug-boats.

The officers and employees in the street-cleaning bureau of the department, on same date, were: Inspector of street cleaning, who is a captain of police, detailed; assistant inspector, a patrolman of police department, detailed; deputy inspector, at \$2,500 per annum; chief clerk, \$3,000; three clerks, at \$2,000, \$1,800 and \$1,500, respectively; three, at \$1,200 each; two scow record clerks, at \$1,500 and \$1,000, respectively; one cart time clerk, \$1,000; one superintendent of boats, \$1,500; one superintendent of stables, \$1,000; one telegraph operator, \$1,000; twenty-three foremen of precincts, at \$900; thirteen dump inspectors, at \$750; making a total expenditure for salaries of employees, by the year, of \$55,050.

There are also about one hundred men employed by the day, as watchmen, mechanics, cart drivers, etc., at prices ranging from \$1.50 to \$3.50 per day; four hundred laborers in precincts and at dumps, paid at 20 cents per hour when actually employed; and from one hundred and fifty to three hundred laborers, according to work (mainly Italians), for unloading scows, at \$1.75 per day.

There are also hired about three hundred and forty-six carts, at the rate of \$3 per day (for cart, horse and driver), only paid for when actually used, in accordance with requirements of the service.

About two hundred carts are required for the collection of ashes and garbage in summer and three hundred in winter, and one hundred to one hundred and fifty for collecting street sweepings.

The bureau has the following wharves or piers set apart for their use as "dumps," *i. e.*, places for dumping, the refuse collected by the carts into scows, for removal from the city, *viz.* :

North River.

Foot of Laight street

Foot of West Twelfth street.

Foot of West Twenty-first street.

Foot of West Thirty-seventh street.

Foot of West Forty-seventh street.

East River.

Foot of Market street.

Foot of Jackson street.

Foot of Harrison street.

Foot of East Fifth street.

Foot of East Seventeenth street.

Foot of East Twenty-second street.

Foot of East Thirty-eighth street.

Foot of East Forty-sixth street.

Foot of East Ninety-eighth street and Third avenue.

Foot of East One Hundred and Seventh street and Second avenue.

Foot of East One Hundred and Thirty-seventh street and Fifth avenue.

We find also from the same reports that there are 330⁴⁰/₁₀₀ miles of paved streets in the city of New York, divided as to the character and amount of pavement about as follows:

| | No. Sq. Yds. | Length of streets so paved in miles. |
|------------------------------|------------------------------|---|
| McAdams pavement..... | 599,000 | 5.76 |
| Granite..... | 595,000 | 28.91 |
| Trap..... | 3,928,000 | 190.20 |
| Asphalt..... | 32,300 | 4.10 |
| Concrete..... | 37,000 | |
| Wood patched with stone..... | 32,000 | 3.73 |
| Cobble..... | 1,789,000 | 77.10 |
| Guidet } | probably included above..... | 3.60 |
| Telford } | | 17.00 |
| | | <hr/> 330.40 |

DETAILS OF PRESENT SYSTEM.

There is a bureau of street cleaning in the department of police. At its head is an inspector, who is a police captain, detailed temporarily for that purpose by the board of police, and removable at their pleasure.

He has an assistant who is a patrolman on the force. A list of the other employees has already been given.

The present inspector is Capt. Alexander S. Williams, who was detailed to this duty Dec. 17th, 1879, and who has shown, as is generally conceded, considerable ability in the management of the bureau.

The city is divided into about 25 precincts, corresponding nearly with the present police precincts.

At the head of each precinct is a foreman, who receives a salary of \$900 per annum.

His duties are to divide up precincts into routes and sections, lay

out work, superintend the laborers, and make returns daily to the inspector, of the work of the preceding day, specifying men on duty, number of loads of ashes, garbage, etc., removed, and names of streets or portions of streets cleaned. He also submits a list of the localities which it is proposed to clean on the following day, which list is revised and corrected by the inspector. Each precinct has its complement of laborers, carts and horses, paid for only when actually employed, at the rate of 20 cents per hour for laborers, and \$3.00 per day for hired carts. The work of the department is done substantially as follows:

Each precinct is divided into *ash routes* — a man and cart to each, who makes daily collections of ashes and garbage on that route, between 6 A. M. and 7 P. M.

The streets in each precinct are swept in such order as the foreman may direct, by gangs of ten or twelve men, who sweep the dirt into heaps, and leave it for the next cart coming that way to take up. Before the cart detailed for that work arrives, it is quite common to see the material so heaped up, thrown down and scattered about by the wind or by passing vehicles.

The sweeping is done as a rule, between 7 A. M. and 6 P. M., but occasionally at night, especially in summer. The main thoroughfares, such as Broadway, Fifth avenue, and the Bowery, are frequently cleaned at night.

Street-cleaning machines are used whenever practicable, but are useless in most of the streets, owing to the character of the pavement, as they can only be used to advantage on a comparatively smooth surface.

It is the opinion of Captain Williams that not more than fifteen such machines could be used to advantage.

An attempt is made to clean, every day, certain streets, such as Broadway and Fifth avenue, others twice a week, and every street at least once a week.

Records are kept in the bureau, showing exactly what streets are swept every day.

Separate carts follow sweepers to take up street-sweepings, but sometimes ash-carts and street dirt-carts relieve one another when either has an unusual amount to remove.

After loading, the carts go to the nearest wharf designated as a dump, and there dump the refuse into scows in waiting. There is no attempt to separate ashes and garbage in their collection, nor as a rule, to keep separate at the dump the ashes and garbage from the

street dirt, although this latter is frequently done when there is any demand from outside parties for the street sweepings.

Laborers with carts are paid by the number of loads delivered at dump per diem, the number of loads constituting a day's work being fixed with reference to the distance to the dump, etc.

The scows hold about 250 cart-loads of refuse. They are, as a rule, old and unseaworthy.

When a sufficient number of scows are loaded, they are taken in tow by a tug, and are conveyed to the dumping grounds.

Where, as in most cases, no other place of deposit can be found, they are obliged to go down the bay, and dump in the sea without the line drawn from Coney Island point to Sandy Hook being the line established some years ago, beyond which dumping should be done.

In foggy weather it is difficult, and in stormy or windy weather, or when there is ice in harbor, it is unsafe and frequently impossible for the scows to go out to the dumping ground above named. Sometimes for a series of days it is impossible to do so.

The city now pays about \$100 per day for hire of tug-boats to tow the scows out to sea.

The scows sent to sea have to be unloaded by shoveling, which necessitates sending a number of men out on them to do this work. The men so employed are chiefly Italians, and in view of the danger and risk they run, are paid at the rate of \$1.75 per day.

Each tow has one or two police officers with it, whose duty it is to see that the work is properly done and the refuse dumped outside of the line fixed by law. They report in detail to the inspector of the bureau.

It is demonstrated, however, clearly to the committee, that many of these officers are frequently remiss or careless in their duty, and allow the refuse to be dumped in the waters of the bay, to the great injury of the harbor.

The report of Mr. Conway, inspector for the board of pilot commissioners, shows that within two years past more than 200 offenses were detected, a large proportion of which were committed by the employees of this bureau. The minutes of the pilot commissioners for a series of years also show similar offenses conclusively, with such details as to render them incapable of serious dispute. The papers above referred to are submitted herewith.

All of the refuse is not taken to sea at present, some of the street dirt is shipped to the commissioner of charities on Blackwells

Island as a fertilizer — some of the mixed refuse is sent to Constable Hook, some to the Pennsylvania R. R. for filling in New Jersey, and some to the N. Y. Central & H. R. R. for filling in at 66th St., N. R. As a rule, the city has to pay these private parties for removing it.

About two-thirds of all the refuse is, as a rule, sent to sea.

In 1879 there were about 2,528 scow loads removed, of which about 1,700 were taken out to sea and dumped, and the balance otherwise disposed of.

The present system of street cleaning may be briefly epitomized as follows:

1. Ashes and garbage are removed with comparative regularity from the houses daily in some parts of the city, and semi weekly in other portions of the city.

2. Spasmodic efforts are made to clean the roadways of the main streets frequently, and whenever time is left or complaints accumulate, to clean such other streets as is possible.

3. When the refuse can be disposed of promptly without taking it to sea, it is so disposed of, except where such disposition would be attended with more annoyance and expense to the department than the removal to sea. When the weather is fair the dumping at sea progresses successfully, but during stormy weather or when there is much ice in the harbor the refuse is either left in the streets or surreptitiously dumped in the bay.

The officials of the police department claim that the general system now followed by the department is a correct one, and that the sins of omission and commission result not from any inherent defect in the system, but from lack of facilities for carrying it out successfully. They allege the main difficulties to be:

- 1st. Lack of proper facilities for removing the refuse from the city, and the lack of any proper dumping ground where it may be deposited without unreasonable expense, and also that too few dumps are put at their disposal.

- 2d. The lack of the proper "plant" either for the city work or the transportation from the city.

- 3d. The insufficiency of the appropriations.

The opponents of the present system claim that the whole system, both of management and practical work, is entirely wrong. As to the management, that it should not be in the police department, that it is improperly in that department and has no connection therewith; that there is not sufficient responsibility, in consequence

of the number of commissioners of the department and their equal division between the political parties; that political influence has too great a sway in the management and appointments to positions in the department, and that a change in the control should consequently be made. There is a difference in views as to where this control should be vested, some favoring a separate department, with a head appointed by the mayor, others a species of government by a commission, while there are still others who think the matter should be put in charge of a bureau of the department of public works.

As to the practical system of work, the objections propounded to the present system are:

1st. That the contract system is the proper one to adopt, and that the city should be divided into twenty-one or more small districts, and that separate contracts should be made in each of those districts—first, for the removal of ashes and street sweepings, and, second, for removing garbage; that such a system would be more economical and efficient, and would greatly decrease the obnoxious feature of political influence.

2d. That the enforcement of the separation of ashes and garbage and street sweepings would be an economical and advantageous measure; that the street sweepings could be readily sold for fertilizers, the garbage for food for swine, and the ashes for filling purposes.

3d. That, if the refuse could be thus disposed of, it would settle the mooted question as to the final disposition of the refuse of New York, and would dispense with the expensive necessity of taking it out to sea.

4th. The further suggestion has been made, by other gentlemen interested in the subject, that the true remedy for all the evils of the existing system lay in finding some locality near the city where not only the refuse could be readily and quickly disposed of for filling, but where also this filling could be so utilized as to build up land which would be of great value to the city in the future. The only locality suggested by these gentlemen, for that use, is the strait lying between Ward and Randall's islands, in the East river, and known as Little Hellgate, with the sunken meadows adjoining the same.

In the judgment of your committee the main defects of the present system of practical work are:

A lack of intelligent co-operation between those engaged in cleaning up the material and the force engaged in its removal, which in-

volves a great waste of labor, and consequent loss of money, and imposes unnecessary inconvenience and annoyance upon the community.

A lack of that careful supervision and division of labor which is needed to insure the cleanliness of all portions of the city, for, although it is claimed by the bureau that every street in the city is swept regularly at least once per week, except during the inclement winter season, your committee is disposed to believe that this work is not properly done. In other words, there is no regular system upon which each street receives a certain amount of labor within a specified time. Work is spasmodic, and applied according to fancied need, not in accordance with definite rules.

A lack of the proper "*plant*" necessary to enable the bureau to do its work economically and independently.

The incapacity of many of the employees of the department to do active and steady work, owing to their age or physical weakness.

The serious embarrassment caused by the practical difficulties and great expense of the disposition of the refuse.

Having thus given our views as to the defects in the present system of practical work, and the suggestions by way of remedies which have been made to us by gentlemen who have given much time and care to the consideration of the question of remedies, we shall now endeavor to consider the respective suggestions in detail, and in the first place will take up the question as to whether the adoption of the contract system is advisable or desirable in lieu of the present system.

THE CONTRACT SYSTEM FOR STREET CLEANING.

In connection with this question it is well for me to consider what systems have been in vogue in New York in the past, and how they have respectively succeeded, and on examination we find that the contract system has been repeatedly tried in all forms, and invariably repudiated by the city, either on account of dissatisfaction with the work done, or of the failure of the contractors to live up to their agreements.

Under the charter of 1830 the city inspector's department was organized, and to a superintendent under that department was given the charge of sweeping and cleaning the streets, wharves and markets, with power to employ cartmen, purchase boats, scows, etc.

In 1832 a separate street inspector for each ward was appointed, to be under the control of the aldermen of the ward.

In 1833 a street cleaning department was organized, under which work was carried on until about 1839.

In 1839 Mayor Varian suggested the adoption of the contract system, and in 1840 the aldermen recommended the same system, with a division of the city into seven districts, and in the general estimate of 1841 appears an item of \$85,000 for cleaning the streets *by contract*.

In 1841 the comptroller recommended an independent executive department, free from all interference, to have charge of street cleaning. The aldermen favored one contract for the whole city, and in 1842 Comptroller Williamson made the same recommendation, and a contract was made for five years at \$64,500 per annum. In 1843 work was begun, ashes and garbage being collected separately. In 1844 and 1845 the comptroller reported that much fault was found, and said "the contract system has been twice tried and proven unsuccessful." The contract was canceled in 1845, at great loss to the city.

In 1847 the contract system was again discussed, and in that year and 1848 the streets were cleaned partly by contracts and partly by the department. In July, 1848, contracts for one year were entered into, but in 1849 the contracts for certain districts were canceled; the comptroller saying that the "contracts have signally failed," and Mayor Woodhall recommending an abandonment of the contract system.

In 1853 another trial was made, and contracts were awarded for four districts; but complaints were soon made by the authorities that the work was not properly done. In 1854 the contractors resigned and the contracts were canceled, but new contracts for smaller districts were entered into some months later. The contractors failed to do the work well, and in a short time certain contracts were surrendered.

By the charter of 1857 the work was again transferred to city inspector's department.

In February, 1861, a five year contract was made with Andrew J. Hackley at \$279,000 per annum.

In 1863 Mayor Opdyke and the common council favored its abrogation, as work was not properly done, and on or about June 22d, the contract was abandoned.

In 1865 a contract was made with Brown, Devoe & Knapp for ten years at \$498,500 (the city to furnish dumping grounds, etc.).

During the continuance of this contract under successive assignees,

the city had to make additional appropriations for extra cleaning and removing snow and ice.

In 1871 the street cleaning association did a portion of the work, and the contract system not having proved successful for the city, the duty of cleaning the streets was in 1872 transferred to the police department where it now remains.

It thus appears from the experience of the past, and the opinions of public officials and their official action upon the subject, that due trial has been given to the contract-system, and it has repeatedly been found a failure, both when tried in one contract for the whole city and in separate district contracts.

Can we anticipate any greater success upon a new trial, upon the plan suggested by the municipal society? We think that any intelligent citizen who reads the testimony given by the witnesses who appeared before the committee will say that we cannot.

In the testimony given before the committee, nearly every leading witness concurred in condemning the adoption of a compulsory contract system for street cleaning, although all conceded that the power to make contracts for special streets or work might in many cases be useful.

Mayor Cooper, after alluding to the difficulty of making a contract which will not involve the city in litigation, states that there is still pending a suit against the city upon the old Hackley contract for about \$750,000.

Professor Charles F. Chandler, president of the board of health, says: "My experience teaches me that whenever the city makes a contract, the contractor has all the advantages and the city the disadvantages. It is practically impossible to enforce a contract so as to secure the rights of the city."

Comptroller Kelly says that the streets were not as clean under the old contract system as now; that he attributes the failure of the contracts to the strong competition which led to bids which were lower than the contractor could honestly afford to do the work for, hence to a neglect of work afterward in order to realize as large a profit as possible. This could scarcely be prevented by the city in contracts of this character.

Commissioner Campbell favors the contract system, having, as he says, done work by it all his life.

But the commissioner, although eminently successful in the management of the department of public works upon the contract system, has, as he frankly admits, no practical experience with street

cleaning matters, and reasons only from analogy, and as your committee will endeavor to show, the contracts made by him and those necessary for street cleaning are not analogous.

At the commencement of this investigation a majority of your committee were disposed to favor the contract system, not only because any change from the present system seemed likely to be advantageous, but also because it had been tried with considerable success in many other cities; but they are now, after full investigation and consideration, satisfied there is but little probability that such a system for the city of New York would be the most efficient or most economical.

The contract system, while it can well and efficiently be adopted in the case of most public works and many other city matters, will not be the best system for street cleaning in New York. Most contracts are clear and simple, and involve mere calculation and estimate by the contractor upon fixed rules or upon the prices of the day. It is easy, in most other contracts, for the person contracting to hold the contractor to full performance of his contract, but to enforce a street cleaning contract involves the consideration as to how clean a street should be, and it would be no easy thing to discriminate between clean, moderately clean, tolerably clean, quite clean, very clean, and perfectly clean, when endeavoring to show how far the contract had been lived up to.

The work of street cleaning in New York is a very uncertain and complicated affair. The quantities and character of the refuse vary greatly from day to day and from season to season in different portions of the city.

The collection of refuse may bring the contractor into complications with the health or police boards or other departments of the city which may lead to delays which will prejudice the contractor, and perhaps give him a right of action against the city. The removal of the refuse and the securing of proper dumping ground is a serious question. If he arrange to transport it to sea the expense is heavy, and the elements may during a considerable part of the year prevent him from doing so. If he deposit it elsewhere he may be liable to an indictment for violating the law, or be otherwise embarrassed. During certain seasons of the year his work may be double or treble what it is at others.

All these considerations render it extremely difficult, more so than in most other contracts, to estimate the comparative expense

of undertaking the contract and performing it faithfully, and yet realizing a profit therefrom.

The more careful his estimate is made the less likely he is to get the contract, for some less careful contractor will probably put in a much lower bid, either calculating on making what he can out of the city, if he gets the contract, by shirking some part of the work, or else making such bid merely through failure to take into consideration all the contingent responsibilities and liabilities under any such contract.

Hence we repeat that there is a very great difference between such a contract and one for laying a pavement, or building a wall, or excavating a lot, all of which are simple, and capable of exact estimate.

The result will be that the lowest bidder will probably either honestly or intentionally bid too low, get the contract, and then either be rendered a bankrupt or else neglect his work. The city cannot afford to run such a risk.

Separate contracts may, and probably will, be advantageous, such, for example, as for sweeping Broadway or Fifth avenue, or some other particular street or locality.

Again, the question of removal of refuse from the dumps will be a troublesome one.

Your committee doubt whether it is possible for any contractor to dispose of all of the refuse regularly, soon after it is collected in any other way than by transporting it on boats to some dumping ground or to the ocean.

To do the latter will involve a large and expensive plant (boats, tugs, etc.), in order to remove it five miles outside of the present dumping ground, as recommended by this report.

A contractor holding a contract for the whole city could not afford to purchase such a "plant" except on a large and long contract, and certainly if there were twenty-one or more separate contractors it would be absolutely impossible for them to go to such an expense, in view of the small size of their contracts.

Moreover, if we suffer now from having the refuse dumped surreptitiously in the harbor, while city officials are in charge of the matter, are we not much more likely to suffer in this manner, when the private interest of the contractor is constantly urging him to economize his time and get his boats back, and to care nothing for interests of the city and harbor.

One of the main arguments made in favor of the contract sys-

tem is, that it would eliminate the question of political influence from the work, that the contractor, being desirous of making as large a profit as possible, would employ only the most efficient workmen, and would shake himself free from all complication with politicians. In reply to this we would say, that we regret to believe, but are nevertheless convinced, that this would not be the case.

In the government of a large city like New York, with its immense population, to a great extent uneducated, and with the politics, as a rule, under the control of the less intelligent and reliable class of the community, it is almost an impossibility to eliminate politics even from a public contract, more especially if that contract be one which is large in amount and difficult to carry out, as we believe we have demonstrated a street cleaning contract would be.

Admitting that the contract were fairly and honestly awarded, there are, nevertheless, many petty ways in which political strikers could and would impede or embarrass its execution, or the payment of it, unless their requests or demands were complied with by the contractors. A reference to the testimony of Commissioner Voorhies, Mr. Seth C. Hawley and others, will illustrate what we mean. What has been done in the past may and will probably be done again.

If it is, the contractor will either be inclined to make the city bear the loss rather than himself, or will be pecuniarily unable to fulfill his contract, and in either case the city will be the loser.

But even without this consideration we are satisfied, for the reasons already given, that the city would gain nothing either in economy or in efficient service by requiring *all* the street cleaning to be done by contract, although, as already stated, we believe the authorities should have power to make such special contracts from time to time as they may deem wise and for the public advantage.

We next come to the question of the feasibility and advisability of separating different classes of refuse and the consideration as to their disposition after separation.

As has already been stated, ashes and garbage are collected together in the same carts. Street sweepings are generally taken up by separate carts, but this rule is not strictly enforced, and the practice is, unless there is a special demand somewhere for street dirt, to empty all the refuse at the dumps into the same scow together.

A large amount of testimony was taken as to the safety in a sanitary point of view of using this mixture as a filling, the testimony

being somewhat conflicting, but the committee are disposed to advise against any such use of it in the city or its immediate vicinity, except under the special permission and regulation of the board of health, and then only for the purpose of filling in land under water (in a locality where no dwelling-houses are erected or are likely to be erected), for example, within the extended bulk-head line of West street, now being constructed by the dock department.

The committee desire here to call attention to the fact that two of the citizens' organizations which have taken a great interest in the question of street cleaning and have devoted much time and trouble to investigation on the subject, viz.: The Municipal Society and the Council of Political Reform, both containing many estimable citizens among their members, differ radically in their views upon this subject, as indeed they do on most matters of public importance.

We allude to the fact merely to show how good and intelligent men may differ upon almost any question, but we believe that a careful examination of the evidence will confirm the correctness of the committee's recommendation on this subject.

It is urged by the Municipal Society and others that if separated, these different classes of refuse may be readily disposed of. They allege that the street dirt is a valuable fertilizer and would be in great demand by farmers.

That the ashes and rubbish would be in similar demand for filling in lots in this city and vicinity.

That the garbage would be readily disposed of to farmers and others as food for swine, etc.

That the street sweepings and garbage could be sold for the above purposes and become a source of considerable revenue to the city, and the ashes be at least disposed of without any expense.

That thus the problem of how to dispose of the refuse removed would be at once solved and that it would be unnecessary to go to the expense of carrying any of it out to sea.

The theory is an admirable one; it commends itself at once to every practical and sensible person as an excellent plan, but the practical questions which arise are—can the separation be fully enforced, and if so, how near will the advantages accruing therefrom come up to the expectations of those suggesting the plan? We will consider the separate classes of refuse in detail:

STREET DIET.

The street sweepings have been repeatedly analyzed by Prof. Chandler and the other officers of the health board, in order to determine their actual value. They report that the quantity of horse manure in them is such that if they are kept separate from the ashes and garbage, they make an excellent soil, but cannot be called a fertilizer. That they are not rich enough in valuable fertilizing material to pay for transportation to any distance, except, perhaps, for some large capitalist, who, having means to dispose of all the material, could make arrangements for carrying away thousands of tons in a very cheap way, and for a comparatively short distance.

Representatives of the farmers' club of the American Institute stated that they considered the street sweepings good fertilizers and thought they could readily be disposed of, by "supplying them to parties who would take charge of them at the railroad stations," but were uncertain whether it would be taken from the docks in New York.

They urge the necessity of separating the street rubbish from the street sweepings in the collection.

Since the hearing before the committee, the farmers' club have made a distinct proposition to the police department, which we will consider later in this report.

Your committee's views on this subject are, that the street sweepings should, as a rule, be kept entirely separate from the ashes and garbage. If they can be disposed of at a profit to the city, or without any loss, by all means do so.

If the head of the department finds that it will be more profitable to have the street dirt and manure separated from the street rubbish in the collection, let him have this done; but if, on the other hand, he finds that the extra cost of such separation will be more than the amount to be realized from the sale of the sweepings when so separated, then there is certainly no object for the city government to provide good soil for neighboring counties or States, at the city's expense.

In other words, the sole object and aim of our present inquiry is to discover the cheapest way for the city to get rid of its refuse after collection. It has certainly been for the interest of the department to have this disposition made as economically as possible, and whenever they could do so on terms as advantageous to the department they have disposed of the refuse to any parties desiring it. Thus

for several years the Central railroad of New Jersey took all the refuse of every description from the west side of the city, for the purpose of filling up its lands under water at Communipaw, N. J. The department has also, at times, advertised that they would furnish street sweepings and mixed refuse for fertilizing purposes, or for filling, to whomever might apply and remove it, but the applications have been spasmodic as a rule, and not sufficient to absorb the supply. Of late it has been actually necessary in most cases for the department to pay private parties for every scow-load taken, in addition to transporting the refuse on the department boat to the dumping place.

It is alleged by some persons that the notice thus given by advertisement was not given in a sufficiently public manner, but whether this be so or not it may certainly be laid down as a clear proposition that the department cannot afford as an economical measure to enter into the business of collecting and *storing* street dirt, ashes or garbage, for the purpose of retailing it from time to time as application, may be made, nor under existing laws and present facilities can they well do so.

The present street cleaning act requires the department to remove daily from the city all refuse except such as in the judgment of the board of health may be suitable to fill low and sunken lots. Neither mixed refuse, nor street sweeping, nor garbage would be deemed by the board of health permissible for that purpose, certainly not to retain in a great city for any time to meet such a demand, and while ashes by themselves would be unobjectionable, still all classes of refuse could still not be retained long, for there are no storage facilities in the city on the wharves or on public property for such a mass of material.

As we have already said, the demand for street sweepings and for ashes is very irregular and spasmodic, and if the private demand was the only mode of disposing of them, large quantities would probably accumulate undisposed of.

There are no places where it can be stored to await the purchaser or remover. It must be loaded on scows as soon as it reaches the dumps, and it is the best economy for the department to have those scows unloaded and returned as speedily as possible.

A most important point remains to be considered and that is, that the demand for street sweepings, and indeed for refuse generally, has been and will be confined to only a few months of the year, and

that during the balance of the year some other mode of disposition must be provided for.

A very clear illustration of the truth of this proposition is given in the statement made to one of the committee by the president of one of the largest horse railroad companies in the city, that he found the greatest difficulty in getting rid of the manure from the stables of the company, during the greater part of the year. During certain months the farmers and others would purchase it; but during the balance of the year it could not be disposed of without great expense and trouble.

If this stable manure, a most excellent fertilizer, cannot be disposed of, certainly the street sweepings must be of much less value and less readily disposable.

The committee do not desire to discourage attempts to dispose of street sweepings and refuse in this manner, but on the contrary strongly recommend and advise it, whenever it is practicable to do so in a manner advantageous for the city, and their sole object in going into the full consideration of the subject is to place before the public some of the difficulties in carrying out the theory to its full extent and the absolute necessity in their judgment of providing some other permanent and alternative mode of disposition.

ASHES, GARBAGE, ETC.

That ashes and rubbish, or even ashes and street-sweepings mixed together, make an excellent filling, and ashes when screened are useful as a sub-stratum for pavement and many other purposes, is generally conceded. When garbage is mixed with them in the preparation in which it is usually found, we deem it, as before stated, unwise to use the mixture for filling, except in exceptional cases and places.

We have seen that under the present system, ashes and garbage are collected together, and as a rule, are mingled together before collection.

The practical questions are:

(1.) Can a separation of garbage and ashes be strictly enforced, and if so, by what means?

(2.) If this is practicable, will such separation facilitate a more economical or satisfactory disposition of the refuse, or in other words, will the city be benefited to any considerable degree thereby?

The police commissioners, the chief clerk of the board and the

several police captains who have been examined maintain that a separation cannot be enforced.

They make the statement, which is undoubtedly correct, that the garbage found among the street refuse comes almost entirely from the tenement house region of the city; and they claim that an enforced separation is there impossible, although it could be readily compelled in those parts of the city occupied mainly by private houses.

They say an attempt was made in 1878 which proved a failure, because the public in the tenement house districts could not be compelled to make the separation; that many could not understand the rules, and violated them through inadvertence, while others did so intentionally; that it was almost impossible to detect the offenders, as the offenses were always committed behind the policeman's back; that the officer must see the person in the act of offending to arrest him, and as this was rarely possible, the parties arrested on suspicion were invariably discharged by the police justice before whom they were arraigned. Finally, that as the experiment involved extra expense and was not successful, it was abandoned.

On the other hand it is claimed that there is no such impossibility of enforcing a separation, and it is alleged that the experiment has never been properly and fully tried.

Comptroller Kelly, Mayor Cooper, the commissioner of public works, the president of the board of health, and others, unite in the view, that under proper regulations and after proper notice to the public, the system could be made to work well, and should be adopted.

It was tried in New York twenty years ago and worked well. Separate carts were sent around throughout the city at regular hours in the day for the collection of ashes and garbage, the garbage carts making known their approach by the ringing of a bell, and the ash carts by the blowing of a horn. There was, so far as your committee can learn, no complaint at that time that such separate collection was difficult. The mere fact of the growth of the city in population makes no material difference, although it adds to the difficulty at first of inaugurating the system.

Prof. Chandler says it is perfectly feasible to separate ashes and garbage sufficiently to make it possible to use the garbage for feeding hogs, and the ashes for filling lots, and that the experiment has never, in his judgment, been fairly tried. "If the system of collecting the two separately were fully established and the sanitary

ordinances were enforced, after two or three months, the public would become educated to the improvement of keeping them separate. In the large tenement-houses it would evidently be necessary to have some one responsible person as janitor, as is now the case in many of them, and should be the case in all; that is, some one tenant who receives some advantage, in smaller rent perhaps, whose duty it is to take care of the premises, and part of such duty would be the providing of proper vessels, one for ashes and another for garbage, so that each tenant would not undertake to take his refuse to the sidewalk, but would remove it to the appointed place inside of the house and there have one vessel provided by the janitor for ashes and another for garbage, each clearly, distinctly marked. Put the responsibility upon the lessee or house-owner that he supplies such a janitor and that he strictly enforce the rule."

Comptroller Kelly says: "I do not think that there would be any difficulty about keeping the ashes and garbage separate; have the garbage carts go around early in the morning, before eleven o'clock, and collect all the garbage and the ash carts afterward."

Prof. Chandler states that the ordinances of the board of health are already sufficient, but might be made still more stringent, and that this can be done without any need of further legislation at Albany.

Your committee, after a consideration of the subject, report that in their judgment a separation of the ashes and garbage is perfectly practicable, provided due care be taken to give ample notice beforehand of the system which it is proposed to adopt, and to notify all parties that a violation of the sanitary ordinance upon the subject will be visited with punishment. Co-operation between the health and police departments and the police magistrates would enable the system to be made perfectly effective, and in the large tenement house region of the city the owner or lessee of the tenement house should be held to some extent responsible for the action of the tenants of the building.

In Boston, where this separate collection is carried well-nigh to perfection, the penalty (\$5 for each offense) is imposed not upon the tenant in the tenement house, but upon the landlord, and the penalty has seldom to be enforced but once. This has been found necessary in all cities where the separation is strictly enforced, and has been found to work well.

But admitting that it is possible to separate the ashes and garbage,

the next question that arises is, what, if any, advantage is to be gained therefrom. How is the city to be benefited by such separation? will the street cleaning be rendered less expensive?

The enforced separation must necessarily cause some increase of expense, as it will require the providing of separate carts, which, in the case of garbage carts at least, should be constructed especially for the purpose, with a tight-fitting lid, and distinctively lettered and painted.

In order to make up for and justify this additional expense it is desirable to show that there will be some considerable demand for the respective kinds of refuse ashes and garbage after their separation; enough, at least, to insure their removal from the city at less cost than at present. It is claimed that the demand for ashes for the purpose of filling will be large, but we would ask where all this filling is to be done, and from whence the demand is to come? There is comparatively little land in the city or vicinity belonging to the city government which needs filling in. If the dock department proceed with their improvement more rapidly than they are doing at the present time, there may be found a place of deposit for the greater part of all the refuse of the city in filling up to the bulk-head line on West street; but, as already explained, it will not be necessary to enforce a separation of ashes and garbage to do the greater part of this filling, as it is under water and below the low water line. The fact is, however, that the dock department are not proceeding with their improvements with sufficient rapidity to take more than one-tenth of all the refuse of the city. It will hence become necessary to dispose of this filling to private contractors or parties to fill up private property; and we think there is considerable doubt whether there is any such constant demand for filling as would absorb regularly and to the full extent of collection, the ashes and rubbish collected. Moreover, it is shown that a large amount of the earth from excavations made by contractors in erecting buildings, and of the rubbish taken from buildings torn down and from other places cannot be disposed of in the city without considerable difficulty, and a large amount of it has to be sent away in scows and is dumped in the harbor or elsewhere, or removed into some neighboring county or State. In other words there is no great demand on the part of the city and the private demand has not hitherto been equal to the general accumulation, and hence the department could not rely on that demand to take the collections of each day as fast as collected. Moreover, if the city of

New York were entirely dependent upon private demands for filling or fertilizers in order to dispose of its refuse, your committee believe that the city would be placed in a dependent attitude which would be extremely injurious to it pecuniarily inasmuch as all persons who were desirous of obtaining filling would naturally reason, that as the department was obliged to get rid of the refuse, any how, within a short time, they would take it from the department only upon terms and conditions which would be onerous and expensive, or at the very least unprofitable to the department, and thus it would be found that the separation of the refuse had not been of any advantage in producing an increased revenue to the city.

Next, with regard to the garbage, it has been shown upon this examination that the amount of garbage collected is very much less than is generally supposed, and that it comes mainly from the tenement house region of the city.

It is a fact the truth of which nearly every resident of New York will admit that the garbage from the greater part of the private houses within the residence localities and from all the large hotels, restaurants, etc., is collected already by private contractors who call regularly and carry it off in their wagons. The large hotels, which furnish an enormous supply of garbage of a good character, are paid by these collectors, in some instances large prices for such refuse, while most private residences are in the habit of paying from one to two dollars per month to the collector who comes regularly each day at about the same hour, takes the garbage from within the house, dumps it into his cart and carries it off. Hence, it is clear that the amount of garbage in the city must be much reduced thereby, and the police department argue that all the garbage which is of any value is already taken up in this way by the private contractors, and there remains only such garbage as is thrown into the street which is inconsiderable in amount, and that which is taken from the tenement house region, or poorer region of the city. As to the garbage from this latter region the testimony of the police captains who have been examined by the committee goes to show that there is very little of it, especially in *winter*, which is objectionable to health or to the sense of smell, as it comes mainly from the homes of the poorer classes where nothing is wasted, which can possibly be eaten, that every bone is picked clean and no meat left on it, and the potatoes and fruit are pared so closely that the parings thrown away have scarcely any substance to them. Hence, they state that the value of this garbage for the purpose of sale is

little or nothing. Prof. Chandler, while claiming that the garbage is collected from other portions of the city, amongst others from the district where he resides, still admits that the city garbage could not be sold for a large amount; but thinks that it could be sold for something, and states that Frank Swift; the present contractor for the removal of offal from the city, made an offer of about \$1,000 for it some year or so ago. The committee refer to the schedules and testimony submitted herewith for details as to receipts from this source in the past.

In reply to the allegation that the garbage came only from the tenement house districts, the very pertinent reply is made, that if this be so, it is merely because of the irregular and unsatisfactory service of the street-cleaning bureau; that the householders, as a rule, prefer to pay a small sum per month, in order to have a regular and prompt removal of ashes and garbage, but that if the city officials did their duty efficiently, there would be none who would not prefer to be served by them, and thus avoid paying this extra amount to private contractors.

Your committee's conclusions on this subject are, that the garbage could, if thus separated, be probably sold, and that a portion at least of the ashes could be also thus disposed of. They believe that the system of separation is the best, and the only true one to follow, but that it requires not only that the public should be educated up to it, but also that the true value and usefulness of the different kinds of refuse should be made apparent to that class of persons who would be benefited by their use.

We do not anticipate that the proceeds from the sales of garbage or ashes will be of any considerable advantage to the city, and believe that possibly for the first few years they will not even equal the additional expense of a separate collection, but we are of opinion that the ultimate pecuniary advantage to the city will be great, and that the system is one which will lead to a more perfect, thorough and careful purification of the whole city, having a tendency, by the division of labor, requiring more attendance to detail, to correct the present careless and slipshod mode of procedure.

But allusion may be made to the offer made by ex-Judge Henry Hilton to the police commissioners, a year or so since, as proof that there are parties ready to take all of the refuse.

His offer, made May 2d, 1879, was substantially as follows:

The department to cause ashes and other material suitable for filling to be separated from garbage, and be delivered on board cars

on docks, at or near Greenpoint. And to collect street sweepings and garbage together and deliver them upon cars at Department dock in New York, spreading over each car load not less than 100 lbs. of gypsum or gas house lime (to prevent fermentation), and the department to furnish transfer boats, suitably arranged to carry six railroad cars from Department dock to Railroad dock at Hunter's Point, and to tow such transfer boats to and from such docks and dumps.

Mr. Hilton agreed, if the foregoing was done, to take all the refuse of New York *for a term of years*, but made the provision that his offer could only be accepted *as a whole*.

The offer was not accepted, the commissioners, according to his statement, not even favoring him with the courtesy of a reply, the reason for which discourtesy the committee cannot discover.

The reasons now given why the offer was not accepted are that,

1st. While they could supply street sweepings they had found it impracticable to separate the ashes and garbage, and hence could not furnish them separately.

2d. That the proposition being to contract for a term of years, it was impossible for them to accept, as they were not authorized to make contracts for more than one year (the period for which appropriation was made for the department).

3d. That the additional expense of separation, etc., the fitting up of boats as desired, and the expenses of transportation, etc., taken together, would have been nearly equal to the expense of removal of the refuse to the ocean, and hence that there was but little if any pecuniary advantage to be derived from accepting the offer.

Inasmuch as no separation had theretofore been enforced, it is quite probable that it would have been practically impossible to have accepted the offer at that time, but ultimately, we believe the separation could have been enforced.

The fact that the contract was to be for a term of years, however, when they had no power to contract for more than one year, does, in our judgment, give to the commissioners a valid excuse and reason for not entering into the contract named.

The one year limitation upon the power to contract should, in our judgment, be removed, in order to meet such cases in the future, for we admit that it is upon the action of such large capitalists we must base our main hopes for relief in the future.

If responsible and reliable capitalists will agree to take all of the refuse from the docks in New York, and remove it at their own

expense, the city will be greatly benefited and relieved, even though they receive not one dollar in payment for whatever of value in the way of fertilizer or filling there may be in the refuse so disposed of.

Since the sessions of the committee in New York, two new propositions have been submitted to the police department for the removal of the refuse.

On March 23d Aaron Stone, on behalf of himself and others who were about to form a company, made a somewhat informal proposition to enter into a contract to receive and remove all street sweepings, and also to take all the garbage, provided it should be separated from the ashes. The proposition further stipulated that for a few weeks, until the company provided the necessary appliances to receive the refuse, the department was to deliver it at a dock at Hunter's Point to be there unloaded at the company's expense, that as soon as all arrangements were perfected, the company would take all the refuse at the department dumps in New York city, would provide all necessary boats, etc., and remove it without expense to the city, stipulating not to deposit it in any place forbidden by law.

On March 30, Horace B. Montross, of 312 West 22d street, made substantially the following proposition.

To furnish all boats, tugs, etc., necessary to remove all refuse collected by the department, and to remove the same *without separation* — *ashes, garbage, rubbish, street sweepings*, all together, from the city, and dispose of it in accordance with law, for the price or sum of \$300 per day, or about \$90,000 per annum, to be paid to him by the city. Mr. Montross also agreed to give bonds with good sureties for the thorough performance of the work and the entire protection of the city.

The board of police now have, it is understood, both of these propositions under consideration.

None of the propositions thus far made have been in the judgment of the committee entirely in such shape as to make it practicable for the department, under the system now in vogue, to accept them, except possibly that of Mr. Montross.

If the latter should prove to be an entirely responsible and thoroughly reliable offer, it has certain advantages, and would decrease the expense of removal of the refuse, from the present amount (about \$150,000) paid therefor by some sixty thousand dollars per annum.

The propositions of Mr. Hilton and Mr. Stone, however, if put into practical and positive shape, might secure the prompt removal

of the refuse and the expense thereof would be only the additional expense of the separation of ashes, garbage, etc., the amount of which additional expense is uncertain, but would probably not in any event reach the present expense of removal.

In the judgment of your committee, any such contract should require the contractor to receive the refuse at the department dumps in New York and remove it at his own expense.

The point which the committee desire to make plain is that while they regard all the plans for the disposition of the different kinds of refuse worthy of consideration, and some of them feasible and possibly the true mode of disposition, still that they do not necessarily answer the requirements of a great city like New York.

They have doubts, in spite of all allegations to the contrary, whether there will be any steady demand or for the present at least any such demand for the different classes of refuse as will take them off the hands of the city at much less expense than at present, and as rapidly as they accumulate. But even if there is such a demand and some satisfactory arrangement is made, your committee nevertheless believe that some permanent, independent and efficient method of disposition should be provided for, if the city would be prepared for all emergencies, *and independent of all private purchasers or contractors.*

We have before alluded to some distinctions between New York and other cities, which should be taken into consideration in connection with the subject of street cleaning.

These distinctions may be classified about as follows:

1st. The peculiar location of the city.

2d. The character of its population.

3d. The amount of traffic.

4th. The character of the pavements.

We shall not attempt to elaborate these distinctions to the full extent, being desirous of simply putting them before the public for consideration.

We venture to say that in no city having the same amount of traffic in proportion to its size are the pavements so bad as in New York.

The character of the pavement bears directly upon the question of street cleaning. The well paved streets in New York, except where the traffic is very great and continuous, will generally compare well in cleanliness with the streets of other large cities. The traffic in New York is confined within comparatively smaller limits than in any

other city, and is probably greater than in any other city in the world, except, perhaps, London. The amount of refuse, street sweepings, etc., is hence far larger in proportion than elsewhere in this country, and the accumulation of ashes and other products of combustion is far greater than in any city in Europe, in consequence of the use here of anthracite coal.

The peculiar location of the city on a long and narrow island is a very important consideration in many respects.

The water front on all sides is a disadvantage rather than an advantage for street cleaning purposes.

The expenses of disposing of refuse are increased thereby, by requiring much additional handling of the refuse after collection. The refuse cannot be dumped in those waters. The city itself furnishes few points for deposit or storage of refuse. The access to the railroads is not favorable for utilizing them in its removal. The lands around the city are all under the jurisdiction of other States or counties, and hence cannot be utilized by the city.

The population is, to a large extent, composed of a class, lacking in that knowledge or capacity which would lead them to take an intelligent interest in public improvements, or in the enforcement of laws for better securing the public health and peace.

The tenement-house is essentially a characteristic of New York, as distinguished from other cities. The herding together of twenty or thirty families in a single house, which is as a rule poorly built, wretchedly ventilated and lacking in many of the conveniences of life, is little calculated to cause a regard on the part of the occupants for cleanliness in the abstract or an appreciation of the advantages of having clean streets.

Finally, the standard of political morality is not as high as it should be, and the lax enforcement of many of the laws and ordinances, and the favoritism which often secures a remission of punishment or a discharge for an offender who is clearly guilty, have done much to prevent any public work from being thoroughly done.

We have given our reasons for believing that it is best for the city to provide some permanent and independent mode of disposition of the refuse; what shall this mode be? The present system is objectionable not only on account of expense but because:

1st. The dumping ground is not always accessible with the present "plant" owned by the department.

2d. The result is a surreptitious deposit in the harbor or in some other improper place.

3d. The present dumping ground is now too near to the city in any event, and its use results injuriously to the harbor.

Several modes of disposition have been suggested in addition to those already enumerated. One of these is the plan—in use at Manchester, England, where yards are established by the corporation, where the refuse is sorted; that which is salable sold, that which is useless burned, and the remainder converted into manure and sold. In the judgment of your committee, this system, while a good one, could not be advantageously adopted in New York. There is no place on Manhattan island where such a permanent yard could be established, and there would be difficulties about establishing it within the jurisdiction of a neighboring county or State, but even if there were not, the expenses of ferriage and in loss of time by transporting it in carts, or in handling several times over if taken across the river in scows would make the expense nearly if not quite as great as at present.

Again, it is said, the garbage may be utilized by burning it in “the houses: It is good fuel and would supplement and intensify a coal fire. This disposition of the garbage might be easily effected if suitable effort were made to show the people its economy.” But this plan, even if adopted, would give but little relief.

Assuming, then, that the private demands should be insufficient to dispose of all of the refuse, but two modes of disposition remain, viz. :

1st. To establish some public dumping ground near New York.

2d. To dump in the deep sea.

The question that then arises is, what localities are there near New York which could be used for dumping purposes, and at the same time be an advantage to the city by making land thereby for public uses?

The council of political reform, an organization in New York, who have given considerable attention to this subject, suggest that the lands under water lying between Ward's and Randall's islands known as Little Hellgate, and the sunken meadows near by, could be filled up in this way safely and with great advantage to the city.

The managers of the house of refuge on Randall's island and the commissioners of charities and correction make strong objections to this plan both on sanitary grounds and because they claim that the current of the river would be perceptibly affected thereby, and it

furthermore appears that a certain proportion of the land under water so proposed to be filled belongs to private parties and not to the city.

Your committee believe that it would certainly be unwise, under all the circumstances, to allow a general deposit of mixed refuse in that locality in view of the proximity of the public institutions for the health of whose inmates the city should have due regard.

In view of all the objections made and believing also that a legislative committee cannot properly or safely pass upon the questions involved, your committee advise that a commission of experts be required to examine and report to the mayor with all convenient speed as to what, if any, lands under water in the vicinity of New York can be safely and advantageously used for this purpose.

Even if Little Hellgate were used as a dumping ground, as suggested, it is estimated, even by the gentleman advocating its use, that it would last but little more than a year and a half as a place of deposit, and that at the end of that time it would be entirely filled up, and the city should be obliged to look elsewhere.

We come finally to this decision, that the ocean must be the only safe and permanent dumping ground.

The pilot commissioners, Maj.-Gen. Newton, U. S. A., and other experts, all concur in the view that the line within which dumping should be allowed must be extended five miles farther out to sea. That in the limit prescribed also by the bill introduced into the United States senate by the Hon. Roscoe Conkling at the present session, and by Senator Seebacher into the Legislature.

From what has already been stated in this report, it is clear that if the dumping ground is moved farther out to sea, the present "plant" of the department, wretchedly insufficient and unfit for the service at present, will then become wholly useless.

It follows that new scows should be constructed — good, sea-going vessels, self-dumping — propelled by steam and capable of making at least nine knots per hour. Steam hoppers of this character have been used for several years past, for removing the refuse from Liverpool and other large cities in Europe, with great success.

Full plans, diagrams and specifications have been submitted to your committee, and the committee recommends the immediate construction of at least two such steam hopper barges, believing that their possession will be of great advantage and service to the city, even if a large part of the refuse can be otherwise disposed of. There is a large amount of refuse from buildings and stores, etc., which it

is very difficult for private individuals to dispose of. There should be some arrangement whereby the city would take charge of it and for a moderate compensation, remove it to some safe dumping ground.

In this way the public will be benefited as well as private individuals, for it will, we are assured, put an end to much of that surreptitious dumping in the harbor, which is beginning to threaten such serious disaster to the commercial interests of New York.

If all the refuse is to be deposited in the ocean some five or six of these steam hoppers will be necessary for an effectual service, but as we have already stated, we believe that a large part may be otherwise disposed of, and hence two will in all probability be sufficient, (1) to remove all refuse not otherwise disposed of, and (2) to make the city to a sufficient degree independent of private contractors, and prepared for all emergencies.

The cost of the Liverpool steam hopper barges was about \$37,000, but as the value of iron has largely increased, and the expenses of building are greater here, we doubt whether they can be constructed in this country at present for less than \$45,000 to \$65,000, according to size.

It may be desirable to construct also one or more large barges to be taken in tow by the hopper barges when necessary.

The details this committee cannot of course assume to pass upon. They desire to acknowledge their obligation to the pilot commissioners, Mr. Charles H. Haswell, Mr. S. P. Nicholls, and others, for details furnished.

Your committee have considered the questions suggested by their investigation, much more in detail than at first intended, but have done so believing that they could in that manner best put before the public the difficulties and embarrassments connected with a decision as to the best method for improving the street cleaning system.

They now find themselves in the difficult position of suggesting what reforms or changes should be made, and having purposely postponed the important question as to the control and government of the street cleaning work until all the other questions connected with the investigation had been considered, that subject must now be taken into consideration that subject, in what may be called its practical and its political aspects.

Much complaint has been made, that one of the main causes of

the defects in the street cleaning work has been, and still is, the fact that politics have too much to do with it, that political influence too frequently dictates the appointment of the employees, and that inefficient, incapable, and in some cases improper men, are under this influence appointed to office.

Other still graver accusations, as to the conduct of some of these employees, are made, as for example, that money has been paid to employees and outsiders for influencing employment, that parties employed have been compelled to divide their pay, etc., but your committee have had neither the time, nor have they deemed it any part of the duty which they were seeking to discharge, to institute investigations into any such charges, believing that even if thoroughly substantiated, they would not necessitate any material change in the character of their report.

It is unquestionably the fact that a large number of the employees of the department are inefficient and incapable by reason of physical weakness, old age or some other cause.

Captain Williams, the present inspector of street cleaning, admits that about one-quarter of the laborers under his direction are comparatively inefficient through age or other causes, but says that they do a fair day's work in view of the prices paid to them (twenty cents per hour when actually employed).

The appointment of these men is charged to be due mainly to political influence, and very probably this is the case.

Pending the consideration of this subject, we ask pardon if we digress for one moment to say that we deprecate the wholesale abuse which is bestowed upon what is known as "political influence," it being apparently considered by many that it is almost a crime that such influence should ever be exercised, and that it must necessarily be *bad*, exercised with wrong and dishonest motives, and always producing improper results; furthermore that no straightforward or honest man should ever be affected by it, or if he is, that he is yielding to improper and disreputable influence.

Political influence always has existed in this country and always will exist. Its influence in England must be known to any one familiar with the workings of its government. The history of the first half of the present century in this State is one almost unbroken record of efforts by some of the most honored leaders in the State to secure office and place for their friends, their constituents and their relatives through their own political influence. It is so in England, it is so everywhere, and it will always be so. In private

business, personal position and influence is always so used, and if we turn to the management of any of our large insurance companies or other corporations, whether quasi-charitable or not, we find how the influence of the directors almost inevitably leads to the selection of their relatives and their friends to office whenever possible.

We do not say that all this elevates humanity upon the very highest moral plane, but it is the history of the world, and as such we have to accept it.

Hence we say there is nothing necessarily wrong, necessarily improper, or necessarily objectionable about the exercise of political influence, but it is only so when that influence is exerted in an improper way, and for improper purposes, as it undoubtedly frequently is.

Many of the men recommended for employment in the street cleaning bureau through political influence are undoubtedly capable, efficient, and well qualified, but others unfortunately are not. Where they are not, it is the fault, not so much of the proposer as of the one who appoints them to office without examination as to their character and efficiency. There is no doubt but what some check should be put upon such improper appointments, but how to do it most effectually is a difficult question.

A change in the government of the department has been suggested as the best remedy, and various improvements are suggested, but on this point as on many others we shall see that the best doctors disagree.

The Municipal society suggest that the supervision be vested in a commission or board of three, composed of the president of the board of police, the president of the board of health, and the commissioner of public works.

The Council of Political reform well say in relation to this plan: "This board is made up of the heads of the three departments of this city which most of all demand the constant and undivided attention of those in charge of them. This business of street cleaning cannot be successfully carried on without close and unremitting supervision. This supervision these commissioners cannot give without sacrificing their own departments. To suppose this possible would be to make their present positions sinecures. There is nothing in the condition of either of these departments to justify any such diversion of attention of their chief managers as this street cleaning business requires.

"Besides, it is well understood, especially in New York, that ex-

officio management is practically no management — carries with it little sense of personal responsibility, and implies little active service. The superintendent would really be the street cleaning board — nominally an employee acting under instructions, really the principal, directing and deciding its affairs — practically a one-headed management, yet not personally responsible to the city, and exposed to political influences and the temptation of jobbers, without the checks and help of superiors and associates.

“ This board, too, is so constituted that it could not fail to be composed of active partisans of the same political connections, and to conduct the street cleaning operations on party principles. These commissioners are all appointees of the mayor. The mayor of this city must almost necessarily be a democrat (whatever that means), conspicuous for his party fidelity, nominated and elected by party methods, and under party control. He would be required to put at the head of these three important departments at least men who were the recognized representatives of his party.”

Your committee do not believe that any thing would be gained by adopting this plan, and in this view all the witnesses who appeared before the committee concurred.

The *second* plan is the establishment of a separate department of street cleaning, with a single head, appointed by the mayor.

This has one advantage which the plan last considered has not. It gives a responsible head, who could be held accountable for the faithful performance of the work of the department. Your committee, however, believe that there are good reasons for doubting whether the little gained in responsibility might not be more than counterbalanced by other considerations.

We cannot do better in this connection than to quote the views of the Municipal society on this subject, which are substantially identical with our own :

“ We think there are decisive objections to this course. Street
“ cleaning is not in itself so disconnected from other branches of
“ administration as to require a separate department, and in most
“ other cities it has been considered to be, and in its nature is a
“ work of administrative details, which may well be carried on
“ through the heads of one or more of the large departments.

* * * * *

“ If there is a department of street cleaning, its head must be
“ appointed by the mayor, subject to confirmation by the common
“ council, unless we depart from the theory of our city govern-

“ment. The head of this department would have the supervision
 “of a large body of men, and the temptation would be very strong
 “to use that authority in such a way as to affect political results.
 “The mayor, elected once in two years, as well as the managers of
 “both parties, would be under the strongest temptation to exercise
 “their authority and influence in such a manner as to secure or
 “control votes, and great party pressure would be brought upon
 “them to so exercise their influence and authority.”

It is proper for us to state that this idea of a separate department is favored by Comptroller Kelly, Professor Chandler and Commissioner Campbell, while the Municipal society alone favors the plan of a commission, and Mayor Cooper, the Council of Political reform and the police commissioners believe the work should remain in the charge of the police department. We thus see again a radical difference of views between conscientious and careful men who have studied the subject.

Our ground for favoring a separate department has been already stated. Our objections to it may be stated thus:

1. It seems wholly unnecessary to establish a separate department. Responsibility in the city is already too much divided.

2. We believe that whatever is pernicious in political influence will sooner or later, have even more complete sway under this department than at present.

3. The establishment of a separate department will in our judgment only give rise to complications and extra expense; owing to the still further divided supervision of street cleaning between three departments instead of two as at present, for, both police and health departments must always have a certain amount of supervision to do, and assistance to give, in order that any plan for street cleaning can be carried out successfully.

Shall the street cleaning then be left in the police department where it now is?

We again take the liberty of quoting from the brief of the Council of Political reform who give the following reasons why in their judgment the work should be continued in the police board, viz.:

“(a) By long experience this board has become familiar with
 “this subject — its difficulties and peculiarities — the results of the
 “various methods tried, and which is the best now to adopt. Any
 “change of system or administration will be subject to the same
 “difficulties as the present arrangement, and will be involved in all

“ the uncertainties of an experiment. Theories are of little account
 “ in this peculiar work. Trial is the only safe guide.

“ (b) The inspection of this work, which is the most important
 “ part of it, can, and, under any arrangement that is made, must
 “ be mainly done by the police in the discharge of their regular
 “ duties, without any increase of their labors, or additional cost to
 “ the city. The bill proposed by the municipal society requires
 “ \$22,600 a year for this inspection, and provides but 21 inspect-
 “ ors, being but one inspector for every 17 miles of street swept.
 “ This bill furnishes 2,000 inspectors, at no additional cost.

“ (c) On account of the military precision and strictness of the
 “ discipline to which the police force is subjected, the inspection and
 “ report of the manner in which this work is done is likely to be
 “ better rendered than by any other system of management.

“ (d) It is the special duty of the police to detect and make ar-
 “ rests for the violation of the corporation ordinances, such as the
 “ prohibited littering of the streets, and the proper separation and
 “ exposure of refuse material from the houses. The thorough exe-
 “ cution of these laws is the perfect solution of this vexed question
 “ of street cleaning for this city. If the work of gathering and dis-
 “ posing of this material be added to the duty of enforcing the pro-
 “ visions of law against its improper accumulation, the police
 “ will be under the additional and powerful inducement to greater
 “ vigilance and fidelity, that they thereby lighten their own labors.

“ A popular clamor has been raised against the management of
 “ street cleaning by the police, on account of their failure to keep
 “ the streets clean. There have been unquestionably gross and inex-
 “ cusable neglects by this board. But this failure has probably had
 “ more to do with the system and circumstance under which this
 “ work has had to be done than to the neglects of this department.
 “ The business is immense, and increasing. Three hundred and
 “ thirty (330) miles of paved streets (on which more business is done
 “ than on any equal length of streets in the world) are to be kept
 “ clean, and the length of these streets is increasing at the rate of
 “ 20 miles a year. There are 35,000 horses kept in this city.
 “ Between 2,000 and 3,000 teams with garden truck, nearly the
 “ same number of express, manufacturers, and business vehicles
 “ with a large number of passenger carriages come into the city each
 “ day, scattering their litter through all the streets. More than
 “ three thousand five hundred (3,500) cart loads of refuse are gathered

"daily from the streets. One million and seventy-seven thousand (1,077,000) loads were carted away the last year." * * *

"The police board is accused of being used by political party managers, and is therefore declared to be disqualified from having charge of this work. What body created by the present party system will be less likely to be so controlled? If the provisions of a system can furnish any guarantee for non-partisan action, the constitution of the board of police has the advantage over any other body not similarly constituted, for it is made up of a political antagonism for this very purpose. The board must be equally divided between the adherents of the two political parties."

Your committee's views can be expressed briefly as follows:

1. The police department is naturally and necessarily connected with street cleaning for the reasons aboved stated.

2. There is in our judgment no reason for disbelieving what suggests itself to one at first sight, viz.: That the constitution of the board of police is such, it being divided equally between the two political parties, as to render it *less* likely to be managed in the interest of politics than any other board.

3. We admit, as a grave defect, the lack of adequate personal responsibility, in consequence of the number of commissioners and the consequent division of responsibility, and believe some plan must be devised which, if possible, will correct it.

4. We believe that by perfecting the system of the work itself, many of the gravest defects will be cured and the worst abuses remedied.

5. If under all these restrictions the work is not well done, then the only course will be to try the only other alternative, of a separate department, which, however, in our judgment, will not succeed any better, so long as present methods of doing public work prevail, and the public submits to them.

6. Our main hope for securing clean streets, after granting to the department the additional authority and facilities recommended in this report, must lie in the character and capacity of the men having charge of the work.

Your committee make the following practical recommendations, believing that they will, if adopted, tend to remedy many of the existing evils. At the same time they desire to express their conviction that it is unwise in reporting a bill upon this subject to unnecessarily hamper the department having the matter in charge by prescribing too minutely all the details of the work. It is better

policy in their judgment after expressing fully their views and granting such extensions of power as may be necessary ; to put the responsibility upon the practical managers of the department of perfecting the practical details and carrying out the recommendations of the committee unless they are shown to be clearly impracticable.

RECOMMENDATIONS.

Pavements.

Your committee recommend a more liberal policy on the part of the city authorities, in relation to the repaving of the streets. The present condition of the paving is a disgrace to the city, and should not be allowed to continue. The citizens of New York can well afford, and we believe will cheerfully submit to, a slight increase in taxation for a year or so, in order that this work may be efficiently and thoroughly done, *and done at once*. It is the universal experience that well paved streets not only are easier to keep clean, but are conducive to a greater regard for general cleanliness on the part of the public.

With poorly paved streets it is impossible to have an efficient street cleaning system, and hence the requests of Commissioner of Public Works, for power to proceed more rapidly with the work of repaving, should receive prompt and favorable attention.

Government.

We recommend that the supervision of street cleaning remain connected with the police department, the practical and virtually absolute management to be vested in a bureau of that department, to be known as the bureau of street cleaning. The chief officer of that bureau to be known as inspector or superintendent of street cleaning, should be selected with due regard to his capacity, integrity and executive ability, and need not necessarily be a member or officer of the police force at the time of his appointment.

He should be appointed by the police board, and hold his office for a fixed term, say three or five years, but be removable by the Board of police for cause, at any time with the approval of the mayor, but only after being given an opportunity to be heard.

The mayor's approval of the action of the board should be final and the board compelled within ten days thereafter to appoint a

successor, or in default of such appointment within the time limited, the mayor should be authorized to make such appointment himself for the balance of the term of the officer so removed.

It is suggested that the superintendent should, during his term of office, have the relative rank of an inspector in the police force, and be recognized and obeyed as such by the subordinates in the police department, in order that he may have the authority to use the police force whenever necessary or desirable, for the purpose of carrying out or perfecting the work of the street cleaning department.

Such regulations as may be necessary to prevent a conflict of authority between the inspector of street cleaning and his equals or superiors in rank in the police department can be readily made by the heads of the department. All policemen on the retired list of the department, where capable of any service, should be assigned to duty in the street cleaning bureau and be put under the exclusive control of the inspector, and be by him used as far as practicable as deputy inspectors, or in such other capacity as he can make them useful.

The inspector should have the sole and absolute power of appointing all his subordinates, without any interference from the board of police or other authorities. And he should have absolute power of removal except as hereinafter otherwise suggested. These subordinates should as a rule be appointed upon the same general plan, and require the same general qualifications as appointees to the uniformed force of the fire or police departments, *i. e.*, be appointed only after a satisfactory physical examination, and under certain restrictions as to age, size, and general fitness for the positions.

This rule need not necessarily of course apply to all of the employees, such as cart drivers or others, but should certainly apply to the street sweepers, if the plan for street sweeping which your committee suggests is adopted. The street sweepers should be able bodied and capable men, employed at fair wages and employed if possible permanently, and not be, as at present is usually the case — a motley collection of half clothed, half fed, old, weak and inefficient men, who being fit for no other employment seek after this work in spite of the irregular and spasmodic employment and low wages.

The present system is unjust to and hard upon the laborers, and it is certainly neither advantageous nor economical for the city.

Wherever laborers can be permanently employed in this bureau, we believe they should be, and that in all such cases their tenure of office should be fixed and protected upon the same rational and fair principles as is the case in relation to the employees in the fire and police departments.

Your committee also recommend that, so far as possible, the employees of the department be obliged to wear some cheap and simple but distinctive uniform dress—possibly only a simple blouse and cap of a prescribed pattern, with a badge bearing a number and the initials or other distinctive mark of the bureau.

Such a uniform would be desirable for many reasons, especially under the street-sweeping plan suggested by us. It would enable the citizens to at once recognize the public employee charged with the cleaning of the locality, to watch his work and the manner in which it is done, to call his attention to sins of omission and commission, and, finally, to so identify him by his uniform and his number as to enable them to fix upon him the responsibility for his misfeasance or malfeasance, and to report the same to the inspector of street cleaning. Furthermore, experience shows that such a uniform tends to better discipline, more careful attention to work, and also to the development of an *esprit du corps* which leads the men to have more pride about the faithful discharge of their duties.

Your committee cannot of course undertake to prescribe all the details by which this system should be established and regulated, but they suggest that they be all regulated by a local board to be established, to consist, it is suggested, of the inspector of street cleaning and the presidents of the police and health departments.

The inspector of street cleaning should have absolute power over the work of the bureau, not only as to employees, but as to the mode and manner in which work should be done. He should render regular reports to the department at least weekly of the work of the week, which reports should be also published in the City Record.

The connection of the police department with the bureau should be confined solely to supervising the inspector's work, and seeing that he performs his duty, and if he does not, to removing him promptly. It follows that all complaints against the inspector himself should be made to the board of police, but all complaints against subordinates, only to the inspector.

It should also be the duty of police commissioners to render all such aid and assistance, and to furnish all such information or supervision from the force under their command as may be deemed

necessary or desirable by the inspector of street cleaning, for the purpose of better carrying out the work of his bureau, or complying with the street cleaning rules and regulations hereinafter provided for.

Other than as above stated the police commissioners should have no power or authority over the inspector, or over the work of street cleaning, and they will thus not only be better able to attend to the practical and important supervision of the police, which demands all their attention, but will also be relieved from entering upon the practical details of the street cleaning work, which few commissioners have ever thoroughly understood, and to which under no event could they devote the careful attention necessary, without serious interference with their other duties.

It should be the duty of the inspector to render monthly accounts to the comptroller of the city, giving the expenses of the bureau in detail, and the vouchers therefor. The accounts shall be audited by the comptroller, and any unauthorized expenditures should be stricken out, and the amount thereof deducted from the next payment for the bureau.

The inspector should render his estimate of the expenses for street cleaning to the board of estimate and apportionment, in the same manner as is now done by the police department, and the amount appropriated should be paid over by the comptroller to the bureau in equal weekly or monthly installments. It might be wise for the comptroller to have the power to designate a clerk from his own office, who should be the financial clerk or treasurer of the bureau, and whose signature should be required in addition to that of the inspector upon all checks or warrants. This would not only furnish a proper check upon the expenditure of money, but would relieve the inspector from most of the financial details of the bureau, and enable him to devote more of his time to the practical work of street cleaning.

Contract System.

It would be, as your committee believe, very unwise and not conducive either to economy or efficiency to require that all the work of the bureau should be done by the contract system, but the inspector should have power to make such special contracts for any purpose, as he may deem advantageous, and should have power given to him to make such contracts for a longer period of time

than at present — say for three to five years under proper limitations. But no contract should be valid and binding against the city, department or bureau, unless it is first submitted to, and approved by, the comptroller, both as to its character and amount, and the sufficiency of the sureties.

Separation of Ashes and Garbage.

Your committee have already reported at length, that they believe this separation is feasible, that in their judgment it is the correct principle to adopt, and that ultimately, if not at present, it will prove advantageous pecuniarily to the city.

They therefore recommend the fair and full trial of this system to the person who may have charge of the street-cleaning work.

Without a more cordial co-operation and mutual understanding between the police and health departments and the police justices than heretofore, it may be impossible, but some plan must be devised to compel that fair and concerted action, which should exist, and which petty jealousies and spites and political differences have obstructed in the past.

It will then remain for the heads of the bureau to show what they can do. “By their fruits ye shall know them.”

A well-known gentleman, who was for many years at the head of the police department, and was distinguished for executive ability, and thorough appreciation and faithful discharge of the duties of his office, has suggested to the chairman, that in his judgment the best method of enforcing a separation of ashes and garbage in the tenement house regions, would be by *making it worth while* for tenants to keep the two classes of refuse separate — in other words, by paying some trifling sum for the delivery of ashes and garbage separately at the dumps. This suggestion may seem to be impracticable, but if it is found by experience that the different classes of refuse can be readily sold if separated, it may be found advisable to adopt this system.

Cleaning of the Streets.

The main object of our inquiry is not so much, how shall the ashes and garbage be removed from our houses as it is, how can our streets and squares and alleys be kept clean; how can the thoroughfares of the city be kept cleaned so regularly and thoroughly as to make the city presentable at all times to its citizens and

strangers, and not to cause every American to be ashamed of the condition of the streets in the metropolis of the nation?

"The present system is palpably insufficient for the needs of a great city. The principal streets (and in this we include not only Broadway and the lateral avenues, but the principal cross thoroughfares) should be swept once in every twenty-four hours, and this always at night. The whole city should be thoroughly cleaned and purified at least once in each week."

This should all be done upon some regular, systematic and careful plan. There should be such a division of labor, such a fixing of responsibility that it will be certain that every street will receive without fail its share of cleaning at regular times, and that the work cannot be slurred over. The scheme which commends itself most to your committee as calculated to best accomplish the desired ends, is what is known as the "Block" system, which is especially favored by Professor Chandler, and which has received the commendation and approval of others familiar with the subject in its practical aspects.

It may be described about as follows:

Individual responsibility should be secured everywhere in the system. A plan similar to that in use in the police and fire departments should be adopted. There should be a regularly organized corps of street sweepers selected, after a physical examination, as able-bodied laborers. They should be put in some simple uniform. The city should be divided into districts or sections, each district to be of such a size that one man can under ordinary circumstances and in fair weather, sweep it thoroughly in one day. To each street sweeper there should be assigned at least one, and not more than three of such districts, of which he should regularly have charge. He should be compelled to devote his whole time and attention to sweeping and cleaning one of such districts on each day, and should be held personally responsible for the condition of that district. The assistant inspector having charge of the precinct within which such district is located, should assign to each street sweeper the districts which he is to have charge of, and specify the days of the week on which each of said districts should be swept, and the street sweeper should be confined strictly on the days so fixed, to the district so designated. A list of the assignments so made with the name of the street sweeper having charge of each district, and the boundaries of such district should be kept

in the station house in each precinct, and be accessible to the public at any time. A book should also be kept in each station house wherein complaints against any officer or employee of the bureau can be entered by any citizen, and a copy of the entries in such book should be transmitted at least weekly to the inspector of street cleaning.

Any street sweeper or other employee failing to properly and officially discharge the duties committed to him, should be at once discharged. Under this system every part of the city would be swept and cleaned at least twice in each week, except under exceptional circumstances.

In winter it should be the duty of such district street sweeper when there is snow upon the ground to keep the gutters clean, and clear, and to assist in the removal of the snow from the streets.

The inspector of street cleaning should have power, with the assent and approval of the president of the board of police, to exempt from this system such streets and main thoroughfares as in his judgment can be best cleaned in some other manner, such as Broadway, the Bowery, Fifth avenue and other well paved streets which require different treatment. He should also be permitted to use street cleaning machines wherever in his judgment they would be more efficient than manual labor. He should also have power to require any of the employees in said bureau, to render such services, and perform such other and additional work outside of any such allotted districts, as he may deem necessary or desirable.

To complete the system there should be a corps of men with carts, who should each have one or more districts assigned to them, from which they should remove the street sweepings to the dumps as fast as they were collected by the street sweeper. It would be better that these cartmen should also be uniformed, or distinguished by some department badge or number.

They should, as a rule, furnish their own horses and carts, and if possible be engaged regularly by the month, instead of by the day as heretofore. During the early part of the day these cartmen might be assigned to assist in the duty of collecting ashes. It being desirable that the garbage carts should be of a peculiar form and covered, it would possibly be advisable that they should be constructed and owned by the city, but the authorities would in our judgment be justified in trusting mainly to hiring such other carts

and such horses as might be necessary, taking, however, only such carts and horses as should be approved by the inspecting officers of the bureau.

A great advantage of this plan would be the distinct system of responsibility — the inspector being responsible generally, and especially for the action of his deputies — the deputies being responsible for the details in their own precincts, and for the actions of the street sweepers, and each street sweeper being directly and distinctly responsible for the cleanliness of a particular and limited area of which he alone has charge. The public also, under this system, would be able readily and without any embarrassment to fix the responsibility upon the individual neglecting or shirking his duty, and to report him to his superior officers for any such misconduct.

This system has been tried before by the department, but on a limited scale and without a complete and careful organization. It was found to work well even under all these disadvantages, and your committee are confident that it will, if fully perfected, be better calculated than any other plan suggested to insure a faithful performance of the work.

Removal of Ashes and Garbage.

Each precinct should be divided into ash and garbage route. There should be separate wagons for each and the ashes or garbage should be collected separately. The routes should be sufficiently small to enable all of the ashes and garbage to be collected on each route before eight o'clock in the morning in the winter, and seven o'clock in summer. The arrival of the carts at each house should be as regular every day as the visit of the postman.

After the ashes are collected and taken to the dump, the carts might be employed for the balance of the day in assisting in removing the street dirt, as it is gathered into heaps by the sweepers.

The Dumping Wharves.

These are too few in number and too unequally divided upon the two water fronts of the city. There should be more upon the North river front, and there should be at least one, if not more, additional in the lower part of the city below Laight and Market streets. The dumps should be inclosed so as to prevent unnecessary annoyance to the neighborhood, and should be so altered as to have a deck or

second story accessible by an inclined plane, and subdivided into compartments for the temporary and separate storage of the different classes of refuse, with the requisite slides, or shoots from which it can be discharged into the boats.

Final Disposition of the Refuse.

We recommend the construction at once of at least two steam hopper barges, for reasons heretofore given, in order that when the refuse cannot be otherwise better disposed of it may be safely carried out to sea, or removed to such other dumping place as may be selected.

We recommend that the laws for the protection of the harbor of New York be made more stringent, and that the exterior line, outside of which refuse can only be dumped, be removed at least three miles further out than at present.

To carry out their views on this subject by immediate and practical legislation, your committee recommend the passage, with some amendments, of two bills now pending before the legislature, viz.:

“An act in relation to the port and harbor of New York and the waters near the same,” being Senate bill No. 76, a copy of which amended in accordance with the views of the committee is annexed hereto and marked Exhibit A, and also “An act to amend chapter six hundred and four of the Laws of eighteen hundred and seventy-five, entitled ‘An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York, or in Raritan bay within the jurisdiction of the State of New York,’ ” being Senate bill No. 250, a copy of which is hereto annexed and marked Exhibit B.

In the full belief also that there may be land under water in the vicinity of New York, which can advantageously be used for filling purposes, and which, if reclaimed from the water, may be pecuniarily of value to the city, your committee recommend a thorough investigation of the subject by experts, and hence will report a bill authorizing the mayor of the city of New York to cause such an investigation to be made.

They expect also to report within a short time to the House “An act to provide for cleaning the streets of the city of New York, and the collection and removal of the ashes, garbage and street sweeping in said city,” which will contain such of the suggestions and recommendations above made as your committee believe it wise to incorporate into a bill.

Your committee have endeavored in this report to consider the whole subject in its various aspects, and finally to recommend as in their judgment wise and desirable, a general plan upon which the work of the department should be done.

This plan is submitted for the consideration of the public, and especially of those who may hereafter have charge of the street cleaning work, in the hope that some at least of the suggestions or recommendations may be deemed worthy of adoption.

Your committee believe it to be neither wise nor desirable to attempt to regulate too strictly and minutely by law all the details of the practical work of the department, for in their judgment an efficient and satisfactory administration cannot be either created or sustained merely by means of legislation.

Their policy is merely to remove by legislation, as far as possible, all practical embarrassments now complained of, to endeavor to make some needed reforms in the matter of government, establish more direct personal responsibility, and give suggestions and recommendations as to the practical work, leaving the inspector having charge of the work untrammelled by a multitude of narrow rules and legislative restrictions.

To do the work properly, to thoroughly cleanse these Augean stables is no easy task, but in our judgment *it can be done* not by virtue of legislative action, but through the selection of a man of capacity, ability and independence to have the charge of the work. The responsibility for his selection will under the plan suggested in this report be upon the police commissioners, and they should be held to strict accountability for their selection.

It may be said that bargains will be made between the commissioners of police and the candidate for the inspectorship, as the condition of his appointment, in relation to the selection and appointment of his subordinates. While admitting that this is quite possible, your committee still believe, after mature deliberation, that the plan of government suggested by them is under all the circumstances the most advisable.

The legislature cannot properly proceed upon the theory that all public officers are recreant to the trust committed to them, and that they will discharge the duties of office solely with a view to personal or political advantages without due regard to the interest of the public.

If the police commissioners are honorable and faithful officers, we need not hesitate to intrust the appointment to them. The

responsibility then becomes narrowed down, so as to vest it entirely in the mayor of the city, by holding him strictly responsible for the character of his *nominees* for all vacancies as commissioners of police.

The reports from departments of the city government, and other documentary evidence on the subject of street cleaning, collected by the committee, are so voluminous that it has been impossible to have them fully printed in time to submit them with this report. A list of the various reports and documents furnished is, however, annexed hereto and marked Schedule C.

In conclusion, your committee would say that this report was prepared during the busiest part of the legislative session, when the committee were holding almost daily sessions of from three to four hours' duration, for the consideration of many other important measures, besides attending the regular sessions of the Assembly, and participating in its work.

These facts must be our apology for any errors or imperfections which may be discovered in the report, and for the delay in its appearance.

The committee have conscientiously endeavored to consider the whole subject fairly and impartially, and believe that they have not been biased in their judgment either by personal or political considerations; and they now respectfully submit their report for the consideration of the legislature and the public.

ALBANY, *April 17th*, 1880.

JAMES M. VARNUM,

Chairman.

HENRY L. DUGUID,
CHARLES S. BAKER,
GEORGE B. DEANE,
EVERETT A. CARPENTER,
ALBERT C. COMSTOCK,
WILLIAM H. SLINGERLAND,
JAMES ASH,
JOHN E. BRODSKY,
HENRY C. HOFFMAN,
FRANK P. TREANOR,

Committee.

SCHEDULE " A ".

AN ACT IN RELATION TO THE PORT AND HARBOR OF NEW YORK AND THE WATERS NEAR THE SAME.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No street-sweeping, dredging from slip, or other places earth, dirt, stone, stone ballast from vessels, ashes, swill, garbage, dead animals, or portions thereof, decayed or other vegetables or fruits bedding, or refuse, or rubbish of any kind, or any articles shall be dumped or deposited in the waters of the port of New York, or in the rivers or waters adjoining the city of New York, or in the waters of New York harbor, or New York bay, or the lower bay of New York, or in the waters within three miles of Coney Island or Sandy Hook, or in the Hudson river, East river, Long Island sound west of the middle ground shoal, or in the navigable waters lying between the said sound and the East river, nor in the waters bounding or adjoining the port or harbor of New York, or the upper or lower bay, and including the "Kills," Kill von Kull, Arthur Kill, the Raritan river, Raritan bay, Shrewsbury river, Spermacetti and Horseshoe coves, Sandy Hook bay, Rockaway inlet, or the bay or sound communicating therewith, Sheepshead bay, Gravesend bay, Princess bay and Gowanus bay ; nor shall any article or thing that is liable to convey disease or is putrid, unwholesome, noxious or dangerous to the public health, or dangerous to navigation, be cast, thrown, placed, deposited, or suffered or permitted to become in said waters, or placed or suffered to be placed where said water would ordinarily or naturally rise upon, take or receive them, excepting, however, the ordinary discharge, or sewers constructed under the authority of the laws of the State within which they are located. The above provisions shall apply to lands under the waters as well as to the latter.

§ 2. That this act shall not apply to the erection or construction of any pier, dock, bulk-head, or the making, by filling in, in a proper manner, of any land in case where the erection of such piers, docks or bulk-heads or making by filling in of land is authorized by the laws of the State.

§ 3. That the violation of any of the provisions of this act shall be deemed a misdemeanor, and the person so violating the same

shall, upon conviction, be punished by the infliction of a fine of not less than fifty nor more than one thousand dollars for each offense, or by imprisonment as is now provided in the case of misdemeanors, or both.

§ 4. The commissioners of the sinking fund of the city of New York are hereby authorized to appoint four special officers, who, within the said district and upon the waters mentioned in this act, shall have power to arrest all persons and deliver into custody any person taken in the act of violating any of the provisions of this act, if such violation amounts to a misdemeanor or a felony, and the police of the city of New York and Brooklyn shall have like authority. The salaries of each of the special officers authorized by this act, during the term of their employment, shall not exceed those then paid to patrolmen of the New York police force, and shall in each case be payable monthly, only upon certificate of the president of the board of pilot commissioners in the city of New York, that such officer has performed his duty to the satisfaction of said board.

§ 5. This act shall take effect immediately.

SCHEDULE " B ".

AN ACT TO AMEND CHAPTER SIX HUNDRED AND FOUR OF THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-FIVE, ENTITLED " AN ACT TO PREVENT THE DEPOSIT OF CARRION, OFFAL, OR DEAD ANIMALS IN THE NORTH AND EAST RIVERS, OR IN THE BAY OF NEW YORK, OR IN RARITAN BAY WITHIN THE JURISDICTION OF THE STATE OF NEW YORK.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of chapter six hundred and four of the Laws of eighteen hundred and seventy-five is hereby amended so as to read as follows: An act to protect the shores and bay of New York, and the seaside resorts near New York city, and to prevent the deposit of carrion, offal, dead animals, bedding, or any putrid, offensive, decaying, or refuse, vegetable or animal matter, or any garbage or sweepings taken from the streets of any city, into the North and East rivers, or in the bay of New York, or Raritan bay

within the jurisdiction of the State of New York, or in the waters of Jamaica bay, or in the waters of the Atlantic ocean within three miles of Coney Island, or within three miles of Rockaway beach or Far Rockaway, or within less than one mile beyond the outer bar.

§ 2. Section [one of said chapter six hundred and four of the Laws of eighteen hundred and seventy-five is hereby amended so as to read as follows :

§ 1. It shall not be lawful for any person or persons to throw or cast any dead animals, carrion, offal, bedding, or any putrid, offensive refuse, decaying or decayed vegetable or animal matter, or any garbage, or any sweepings taken from the streets of any city, into the waters of the North and East rivers, adjoining the counties of New York, Kings, Westchester or Richmond, or in the bay of New York, or in Raritan bay within the jurisdiction of this State, or in the waters of Jamaica bay, or in the waters of the Atlantic ocean within three miles of Coney Island, or within three miles of Rockaway beach or Far Rockaway, or within less than one mile beyond the outer bar, so that the same shall be deposited in deep water. But nothing in this act shall be so construed as to prevent the landing and utilizing of dead animals and offal or the manufacture of fertilizers on Barren Island.

§ 3. Section two of said chapter six hundred and four of the Laws of eighteen hundred and seventy-five is hereby amended so as to read as follows :

§ 2. It shall not be lawful for any person or persons to sail, navigate or move, or to aid, direct or assist in sailing, navigating or moving, or to be employed upon, or to accompany any boat or vessel containing any such animal or material as is named in section two of this act, through or upon the waters of that part of New York bay, known as the Narrows, and lying between Forts Wadsworth and Hamilton, or any part of said bay south of said Narrows, with the intent or for the purpose of throwing or casting such animal or material, or any portion thereof, into the ocean or sea, or in any portion of the waters mentioned in said section two of this act, without a permit, in writing, first obtained therefor from the inspector appointed or to be appointed under said chapter six hundred and four of the Laws of eighteen hundred and seventy-five, who shall have the power of granting such permits from time to time as he shall deem proper, and which shall not be inconsistent with the second section of this act, and having such regard to the course and condition of the then existing winds and tides as in his judgment

shall best tend to prevent the subsequent return or deposit of any of such contents of said boat or vessel within the waters of this State, if cast upon the waters beyond the jurisdiction thereof.

§ 4. Section six of said chapter six hundred and four of the Laws of eighteen hundred and seventy-five is hereby amended so as to read as follows :

§ 6. It shall not be lawful for any person or persons to sail, navigate or move, or to aid, direct or assist in sailing, navigating or moving, or to be employed upon or to accompany any boat or vessel engaged in the transportation of any dead animals, carrion, offal or any putrid, offensive, refuse, decaying or decayed vegetable or animal matter, or any garbage or sweepings taken from the streets of any city, upon the waters aforesaid, unless the same be propelled or moved by steam power ; and it shall not be lawful for any steam vessel to tow or carry any of the articles mentioned in this section, unless its name be plainly painted on each side. The more effectually to carry out the object of this act, the sum of fifteen hundred dollars for expenses shall be annually raised by the boards of supervisors of the several counties named in section four of said act, in the same manner and proportion as the salary of the said inspector is raised under said section, and to be apportioned by the comptroller of the State ; and the respective treasurers of said counties, or other proper custodians of county moneys, shall receive and pay over the sums so raised to the comptroller of the State, who shall thereupon pay the same to the inspector, aforesaid, in equal quarterly payments. The amount to be raised in the year eighteen hundred and eighty, in addition to the sum required for the ensuing year, shall include also such sum, not exceeding the limit herein prescribed, as shall be sufficient to meet the liabilities incurred or to be incurred for such purposes during the current year ; that is to say, the additional sum so to be raised shall bear the same proportion to the said annual sum of fifteen hundred dollars, as the time from the passage of this act to the end of the fiscal year shall bear to the whole year. The said shore inspector shall have power to appoint one or more deputies to assist him in his duties, who shall be paid out of said moneys which he shall receive for expenses. The said deputy or deputies shall have the same power as the said shore inspector.

§ 5. Section seven of said chapter six hundred and four of the Laws of eighteen hundred and seventy-five is hereby amended so as to read as follows :

§ 7. It shall be the duty of said shore inspector, from time to time,

to employ such force of men as shall be sufficient to and who shall remove or cause to be removed or buried all carrion, dead animals, offal, infected bedding and putrid and offensive matter found on or near the shores of Kings county, from the east end of Coney Island to the city line of Brooklyn, and the shores of Staten Island, Richmond county, so as to prevent the same from becoming injurious or detrimental to the public health. The said inspector shall engage and employ such number of men and such vessel or vessels as in his judgment shall be required for the speedy and effectual accomplishment of the objects of this act, the expense whereof shall be paid by the said county of Kings; and the proper officers are hereby directed to cause such amount of money to be raised annually as may be certified by said inspector to be necessary for the purpose for the ensuing year, not exceeding three thousand dollars for any one year, and the same shall be paid by the county treasurer of said county to the persons entitled thereto, upon the certificate or orders of said inspector. The amount to be raised in the year eighteen hundred and eighty, in addition to the sum required for the ensuing year, as aforesaid, shall include also such sum, not exceeding the limits herein prescribed, as shall be sufficient to meet the liabilities incurred or to be incurred for such purposes during the current year; that is to say, the additional sum so to be raised shall bear the same proportion to the said annual sum of three thousand dollars as the time from the passage of this act to the end of the fiscal year shall bear to the whole year.

§ 6. Any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and the person so violating the same shall, upon conviction, be punished by the infliction of a fine of not less than one hundred, nor more than five hundred dollars, or by imprisonment as is now provided in case of misdemeanors, or both in the discretion of the court, and may be arrested by the authorities of either of the counties of New York, Kings, Queens, Westchester or Richmond; the courts in said counties, respectively, shall have power and jurisdiction to try said offenders whether the offense be committed within their respective counties or not. Out of any moneys received for fines under this act, such sum or sums shall be allowed and paid for the expenses and disbursements attending the arrest as the court or magistrate may deem reasonable and proper.

§ 7. This act shall take effect immediately.

SCHEDULE "C".

List of papers relating to Street Cleaning, furnished upon the requisition of the Committee on the Affairs of Cities.

To the Assembly:

Your committee on the affairs of cities beg leave to submit the following reports and communications relating to the subject of street cleaning in the city of New York, which have been furnished upon the requisition of the committee under the powers granted to them by a resolution of the assembly, viz.:

1. Circular of the committee making requisition for information upon the subject in detail.

2. Report of the comptroller of New York giving a synopsis of the history of street cleaning in New York from 1787 to 1875, and also statement showing cost of cleaning the streets from 1830 to 1880. Dated February 28, 1880. Reports of the commissioners of accounts of the city of New York dated Feb. 27, 1880, being,

3. First — General statement of expenditures of street cleaning bureau from 1875 to 1879.

4. Second — Condensed statement of expenditures for the same period.

5. Third — Cost of street cleaning during same period, compared with cost of removing ashes and garbage.

6. Fourth — Quantity of street dirt and of ashes and garbage removed 1875 to 1879 with cost per cart-load of each.

7. Fifth — Miles of streets cleaned 1875 to 1879 with cost of number of loads of dirt removed.

8. Sixth — Length of paved streets in New York city.

9. Seventh — Schedule of property owned by bureau of street cleaning 24th Feb., 1880.

10. Eighth — List of officers, employees and laborers with rate of pay.

11. Ninth — Location of "dumps."

12. Tenth — Square yards of pavement in New York city and its character.

13. Statement and statistics in relation to steam dumping scows.

Also,

14. Communication from department of docks of the city of New York.

Also,

15 to 25. Reports to the board of health as to the condition of the streets in February, 1880, by the sanitary inspectors.

Also,

26 to 28. Reports to the Society for Improving the Condition of the Poor upon the condition of the streets, March, 1879, and Feb., 1880.

29. Communication from the board of health of Philadelphia as to the street cleaning system in that city.

30. Communication from the board of health of Boston as to the street cleaning system in that city.

31. Communication from the chief engineer of the department of parks, Brooklyn.

32. Reports of pilot commissioners as to the dumping of ashes and other garbage in the harbor.

33. First — Summary of offenses detected since May, 1878.

Second — Extracts from the minutes of board of pilot commissioners from 1873 to date, giving details of offenses.

All of which are respectfully submitted.

ALBANY, *March* 1, 1880.

JAMES M. VARNUM,
Chairman.

STATE OF NEW YORK

No. 113.

IN ASSEMBLY,

APRIL 12, 1880.

COMMUNICATION

FROM THE SUPERINTENDENT OF THE INSURANCE
DEPARTMENT.

INSURANCE DEPARTMENT, }
ALBANY, 8th April, 1880. }

The Hon. GEORGE H. SHARPE,

Speaker of the Assembly, Albany, N. Y.:

SIR — I have the honor to acknowledge receipt this day of the following resolution which was adopted by the assembly:

“STATE OF NEW YORK:

ASSEMBLY CHAMBER, }
ALBANY, April 8, 1880. }

“*Resolved*, That the Superintendent of the Insurance Department be requested to inform the assembly *why the Universal Life Insurance Company has not made its annual report for 1879*, and what information, if any, exists in said department showing the financial condition of that company?

By order of the assembly.

(Signed)

E. M. JOHNSON,

Clerk.”

I respectfully submit in response to said resolution a copy of certain correspondence with the department and the Universal Life Insurance Company, which explains why said company has not made its annual report for 1879.

Very respectfully,

JOHN F. SMYTH,

Superintendent.

COPIES.

TELEGRAM.

ALBANY, *March 6, 1880.*

S. S. HERRICK, *President pro tem.*,
Universal Life Ins. Co., 17 Warren street, New York City:

Your statement and valuation register should be forwarded at once.

(Charge Ins. Dept.) (Signed) JOHN A. McCALL, JR.,
Deputy Superintendent.

OFFICE OF UNIVERSAL LIFE INSURANCE COMPANY, }
 NOS. 17 AND 19 WARREN ST., NEW YORK, *March 13, 1880.* }

JOHN A. McCALL, JR.,
Deputy Superintendent Ins. Dept., Albany, New York:

DEAR SIR — We have to request further time for filing the report of the Universal Life Insurance Company for the year 1879.

This company has not done any new business since the fall of 1877, and has been reducing its expenses to the most economical point.

We have a very small clerical force, and cannot complete the report for two weeks; moreover, some negotiations are in progress, as to disputed claims which we expect will be brought to a termination in a few days, and we are advised by our counsel that our report should be delayed until such termination. As no interest will suffer by the delay, we trust that you will consider it consistent with your duty to grant our request.

Yours truly,
 (Signed) JAS. F. R. HADDEN,
Secretary pro tem.

INSURANCE DEPARTMENT, }
 ALBANY, *19th March, 1880.* }

JAMES F. R. HADDEN, ESQ., *Secretary pro tem.*,
Universal Life Ins. Co., No. 17 Warren St., New York City:

DEAR SIR — Referring to your letter of the 13th inst., received at the department *this* morning concerning the report of your company for the year ending Dec. 31, 1879, I beg to say that under the provisions of the law the statement was due here on the first instant, but recognizing the difficulty you are laboring under, I will give you a delay until the 31st of the present month. Trusting that you will make every effort to oblige me at that time, I am,

Yours respectfully,
 (Signed) JOHN A. McCALL,
Deputy Superintendent.

OFFICE OF UNIVERSAL LIFE INSURANCE COMPANY, }
 NOS. 17 AND 19 WARREN ST., NEW YORK, *March 31, 1880.* }

JOHN A. McCALL, JR., Esq.,

Deputy Superintendent Ins. Dept., Albany, New York:

DEAR SIR — The negotiations referred to in our letter of March 13, 1880, are not fully completed, and we have, therefore, to request a further extension of time of ten days to file the annual report.

Yours respectfully,
 (Signed) JAMES F. R. HADDEN,
Secretary pro tem.

INSURANCE DEPARTMENT, }
 ALBANY, *April 1, 1880.* }

J. F. R. HADDEN, Esq.,

Secretary pro tem., Universal Life Ins. Co., New York City:

DEAR SIR — I have yours of 31st ulto., requesting an extension of the time for filing the annual statement of your company for ten days longer.

In reply. Under the circumstances and in consideration of your statement of 13th ulto., I will grant the request.

Yours very respectfully,
 (Signed) JOHN A. McCALL, JR.,
Deputy Superintendent.

INSURANCE DEPARTMENT, }
 ALBANY, *7th April, 1880.* }

S. S. HERRICK, Esq.,

President pro tem., Universal Life Ins. Co., 17 and 19 Warren St.:

DEAR SIR — I am, this day, informed by the receiver of the North America Life Insurance Company, Hon. Henry R. Pierson, that the negotiations pending between your company and Mr. Pierson as receiver, looking toward a settlement of his claim against you have been broken off, therefore, the permit given by me to you for an extension of the time for filing the annual statement should be revoked, because the delay that was conceded to you was on the ground of your having entered into an agreement with Mr. Pierson for a settlement of your affairs. You will oblige me, then, by forwarding to this department, at your earliest possible convenience, the statement of your company for the year ending December 31, 1879.

Respectfully yours,
 (Signed) JOHN F. SMYTH,
Superintendent.

STATE OF NEW YORK.

No. 114.

IN ASSEMBLY,

APRIL 12, 1880.

LIST OF GENERAL ORDERS.

G. O.

586. An act in relation to the employment of convicts confined in the State prisons of this State.
587. An act to amend chapter 253 of the Laws of 1877, entitled "An act to amend chapter 107 of the Laws of 1877, entitled 'An act in relation to the superintendent of State prisons, and for the more efficient and economical management of said prisons.'"
588. An act to promote agriculture and to facilitate the formation of agricultural and horticultural societies.
589. An act to reduce the expenses of the improvement commission in Long Island City.
590. An act to amend chapter 30 of the Laws of 1880, entitled "An act to amend chapter 598 of the Laws of 1870, entitled 'An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy,' and supplemental thereto," passed February 27, 1880.
591. An act permitting the common council of the city of Buffalo in its discretion to allow or disallow in whole or in part any claim or claims in abating certain nuisances by direction of the board of health of the city of Buffalo in the years 1877 and 1878.
592. An act to authorize and direct the comptroller of the city of New York to pay the salary of James E. McVeany, as one of the assistant aldermen of the city of New York.
593. An act to amend act entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh," passed April 16, 1864, and the several acts additional thereto and amendatory thereof.
594. An act to amend chapter 360 of the Laws of 1867, entitled "An act to amend and consolidate the several acts in relation to the village of Rhinebeck," passed February 2, 1867.

595. An act to amend chapter 37 of the Laws of 1855, entitled "An act amendatory of the acts for the assessment and collection of taxes."
596. An act to provide for raising taxes for the use of the State upon certain associations, corporations and joint-stock companies.
597. An act to abolish the office of marshal of the city of New York, and to provide for the appointment of officers in lieu of marshals in said city, and making certain regulations concerning the same.
598. An act to repress and punish disorderly conduct on public conveyances.
599. An act giving the right to interpose supplemental pleading setting forth a discharge in bankruptcy.
600. An act to amend the twelfth section of the "Act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February 17, 1848, as said section was amended by chapter 657 of the Laws of 1871, and as further amended by chapter 510 of the Laws of 1875.
601. An act to legalize the official acts of Charles I. Schampain as a notary public for the county of New York.
602. An act to further amend chapter 379 of the Laws of 1875, entitled "An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof," passed May 17, 1875.
603. An act amending subdivision 7, chapter 448 of the Laws of 1876, commonly known as the Code of Civil Procedure.
604. An act to restrict appeals to the court of appeals in certain cases.
605. An act to amend chapter 482 of the Laws of 1875, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."
606. An act to amend chapter 50 of the laws of 1848, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical, or chemical purposes."
607. An act releasing all the right, title and interest of the people of the State of New York to and in certain lands in the city of Brooklyn, eastern district, formerly town of Bushwick, county of Kings, formerly lying in the East river.
608. An act to legalize the official acts and proceedings of Hiram Dinick, a justice of the peace of the town of Wirt in the county of Allegany.
609. An act in relation to the removal or suspension of attorneys and counselors at law.

STATE OF NEW YORK.

No. 115.

IN ASSEMBLY,

APRIL 12, 1880.

REPORT

OF THE FARMERS' CLUB OF THE AMERICAN INSTITUTE

AMERICAN INSTITUTE, FARMERS' CLUB, }
NEW YORK, April 9th, 1880. }

To the Honorable the Speaker of the Assembly :

At a meeting of the Farmers' Club, held on Tuesday, April 6th, 1880, the following resolution was offered and unanimously adopted :

Resolved, That the Farmers' Club of the American Institute has from recent investigations become fully satisfied that the sickness and death induced by using milk from tuberculous cows is of alarming extent and increasing, and that we urge upon the legislature of the State of New York that the health of every cow used for milking purposes should be watched carefully, and no milk under any circumstances be sold or even used at home as food, except it is the product of undoubtedly pure and healthful sources.

Very respectfully.

B. H. MARTIN,

Secretary pro tem.

[Assem. Doc. No. 115.]

STATE OF NEW YORK.

No. 116.

IN ASSEMBLY,

APRIL 14, 1880.

BILLS

REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and Clerk, with the consent of the House, refer the following bills to the sub-committee of the whole :

No. 505, G. O. 576 — Mr. Bridges :

An act to legalize the official acts of Elihu W. Clarke, a justice of the peace of the town of Milford, in the county of Otsego.

No. 575, G. O. 659 — Mr. I. S. Carpenter :

An act to permit the admission of persons not paupers into the asylums of this State.

No. 566, G. O. 650 — Mr. Bullock :

An act to provide for the protection of mechanics and others.

No. 501, G. O. 571 — Mr. Crafts :

An act to amend chapter 291 of the Laws of 1870, entitled "An act for the incorporation of villages," so far as said act relates to the village of Wolcott.

No. 529, G. O. 602 — Mr. J. L. Wells :

An act to further amend chapter 379 of the Laws of 1875, entitled "An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof," passed May 17, 1875.

No. 548, G. O. 624 — Mr. I. S. Carpenter :

An act to amend chapter 16 of part 1 of the Revised Statutes in relation to highways and bridges.

[Assem. Doc. No. 116.]

No. 561, G. O. 642 — Mr. J. L. Wells :

An act in relation to taxes and assessments levied prior to January 1, 1874, in the towns annexed from the county of Westchester to the city of New York.

Senate No. 246, G. O. 759 — Mr. Eidman :

An act to incorporate the "Maenner Gesang Verein Eichenkranz."

No. 571, G. O. 655 — Mr. Youngs :

An act to amend chapter 510 of the Laws of 1869, entitled "An act to amend an act entitled 'An act to incorporate the village of Flushing,'" passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857.

No. 567, G. O. 651 — Mr. Youngs :

An act in relation to the overseers of the poor of the town of Flushing, Queens county.

No. 589, G. O. 674 — Mr. Wren :

An act to authorize the Equity Gas Light Company of the eastern district of the city of Brooklyn to change its name.

No. 173, G. O. 185 — Mr. Russell :

An act to amend an act entitled "An act to incorporate the New York State Convention of Universalists," passed April 12, 1862, for the purpose of organizing a missionary board, and defining its powers and duties.

No. 394, G. O. 430 — Mr. Tallmadge :

An act to regulate and control the raising and spending of public moneys in the county of Kings.

No. 599, G. O. 686 — Mr. Russell :

An act to incorporate an association to be known as the "Exempt Firemen's Association of the Western District of the city of Brooklyn," to be located in the western district of the city of Brooklyn.

No. 499, G. O. 566 — Mr. Case :

An act to amend an act entitled "An act extending the powers of the trustees of the village of Canandaigua," passed May 24, 1876.

No. 498, G. O. 565 — Mr. Case :

An act to amend an act entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties," passed April 6, 1872.

No. 618, G. O. 711 — Mr. Fiske :

An act to provide for payment of a salary to the county clerks of Richmond and Franklin counties in lieu of all charges now made against the county.

No. 354, G. O. 382 — Mr. Cullinan :

An act to require banks, banking associations and individual bankers to redeem and retire their circulating notes, and to authorize the superintendent of the banking department to return the securities held by him to secure such circulation.

No. 641, G. O. 172 — Mr. Chickering :

An act to provide for the organization and formation of companies for the purpose of increasing the water supply of Deer river, in Lewis county, in aid of the milling and manufacturing interests thereof.

No. 569, G. O. 653 — Mr. Fiske :

An act to amend, revise and consolidate an act entitled "An act to incorporate the village of New Brighton," passed April 20th, 1866, and amended April 22d, 1867, April 27th, 1871, March 27th, 1872, and May 14th, 1873, and May 19th, 1875, so that the several sections thereof shall read, respectively, as follows :

No. 531, G. O. 603 — Mr. E. D. Benedict :

An act amending subdivision 7, chapter 448 of the Laws of 1876, commonly known as the Code of Civil Procedure.

No. 573, G. O. 657 — Mr. E. D. Benedict :

An act to amend section 2 of chapter 405 of the Laws of 1879, entitled "An act to amend sections 2 and 10 of chapter 248 of the Laws of 1878."

No. 608, G. O. 697 — Mr. Ellis :

An act authorizing certain officers of the town of Orleans to issue bonds to pay indebtedness of said town.

No. 610, G. O. 702 — Mr. Youngs :

An act for the protection of farmers and market gardeners.

No. 595, G. O. 681 — Mr. Chickering :

■ An act relating to the title to personal property.

No. 552, G. O. 628 — Mr. Roberts :

An act to incorporate the Supreme Council of Royal Templars of Temperance, and to provide for the organization of select councils, and a grand council for the State of New York.

Senate bill No. 195, G. O. 783 — Mr. Williams :

An act to incorporate the Temple Beth Zion of Buffalo, New York.

No. 556, G. O. 635 — Mr. Husted :

An act to regulate the passage of lumber, logs and other timber upon the rivers of this State, recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture.

No. 587, G. O. 671 — Mr. D. A. Wells:

An act to exempt Fulton county from the provisions and operations of chapter 175 of the Laws of 1870, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties."

No. 596, G. O. 682 — Mr. D. A. Wells:

An act to legalize the action of the annual town meeting of the town of Johnstown, in the county of Fulton, held on the 10th and 11th of February, 1880, in raising money for roads and bridges and authorizing the collection thereof.

No. 593, G. O. 679 — Mr. D. A. Wells:

An act to confirm the official acts of George M. Briggs, Charles Forbes and George W. Brimmer, commissioners of excise in and for the town of Broadalbin, in the county of Fulton, and to enable them to execute a bond to the supervisor thereof.

No. 601, G. O. 688 — Mr. Treanor:

An act to provide for leasing wharf property necessary for ferry purposes along with the franchise of a ferry within the city of New York.

Senate bill No. 143, G. O. 347 — Mr. Forster:

An act to amend an act entitled "An act to incorporate the New York Cotton Exchange," passed April 8, 1871.

No. 554, G. O. 633 — Mr. Varnum:

An act to amend chapter 184 of the Laws of 1839, entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends."

No. 580, G. O. 664 — Mr. Tozier:

An act in relation to the indebtedness of the towns of Attica and Java, in the county of Wyoming.

No. 513, G. O. 588 — Mr. Tozier:

An act to promote agriculture and to facilitate the formation of agricultural and horticultural societies.

No. 572, G. O. 656 — Mr. Fiske:

An act to amend chapter 555 of the Laws of 1864, entitled "An act to revise and consolidate the general acts relating to public instruction."

No. 547, G. O. 623 — Mr. Fiske:

An act to amend section 1 of chapter 792 of the Laws of 1866, entitled "An act to incorporate the village of Port Richmond in the county of Richmond."

No. 546, G. O. 622 — Mr. Fiske:

An act to amend the charter of the village of Edgewater.

No. 400, G. O. 371—Mr. Mitchell:

An act for the incorporation of mutual tontine annuity societies.

No. 483, G. O. 539—Mr. Mitchell:

An act to amend an act entitled "An act to secure better administration in the police courts of the city of New York," passed May 17, 1873.

No. 527, G. O. 600—Mr. Mitchell:

An act to amend the 12th section of the "Act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February 17, 1848, as said section was amended by chapter 657 of the Laws of 1871, and as further amended by chapter 510 of the Laws of 1875.

No. 532, G. O. 604—Mr. Mitchell:

An act to restrict appeals to the court of appeals in certain cases.

No. 536, G. O. 609—Mr. Mitchell:

An act in relation to the removal or suspension of attorneys and counselors at law.

Senate, No. 131, G. O. 751—Mr. Bixby:

An act to amend chapter 868, Laws of 1872, entitled "An act to incorporate the United States Loan and Security Company."

No. 632, G. O. 729—Mr. Sharpe:

An act supplemental to chapter 194 of the Laws of 1849, entitled "An act to vest in the board of supervisors certain legislative powers, and to prescribe their fees for certain services," and to repeal chapter 597 of the Laws of 1870, amendatory of said act.

No. 514, G. O. 589—Mr. Clowes:

An act to reduce the expenses of the improvement commission in Long Island City.

No. 323, G. O. 349—Mr. Kennedy:

An act to regulate the use of intoxicating liquors in poor-houses, juvenile reformatories, protectories, houses of refuge, jails, penitentiaries and prisons.

No. 281, G. O. 304 — Mr. Hayes:

An act to incorporate an exchange salesroom, in the city of New York, and to designate the place for judicial sales of real estate in the said city.

No. 627, G. O. 720 — Mr. Hayes:

An act to provide for excavating, tunneling and bridging for transportation purposes within villages and cities of the State.

No. 598, G. O. 685 — Mr. Hayes:

An act to provide for the rebuilding of the market known as Jefferson Market, in the city of New York.

No. 597, G. O. 684 — Mr. Hayes :

An act to amend chapter 17 of the Laws of the second meeting of the 51st session of the legislature of the State of New York, entitled "An act to incorporate the contributors to the Northern dispensary of the city of New York," passed November 28, 1828.

No. 489, G. O. 545 — Mr. Sharpe:

An act to provide for the better government and discipline of prisons and jails in the State of New York.

No. 609, G. O. 701 — Mr. Douglass:

An act to prevent the sale of any adulterated article as cider vinegar.

No. 633, G. O. 732 — Mr. Miller:

An act to amend chapter 436 of the Laws of 1877, entitled "An act in relation to county treasurers."

No. 620, G. O. 713 — Mr. Miller:

An act to incorporate the Holstein Breeders Association of America.

No. 568, G. O. 652 — Mr. Strait:

An act to amend an act entitled "An act to amend the charter of the village of Nassau, in the county of Rensselaer," passed April 17, 1866.

No. 642, G. O. 744 — Mr. Thilemann:

An act to facilitate the removal of stable manure from the built-up portions of the city of New York.

No. 635, G. O. 735 — Mr. D. A. Wells :

An act to enable the electors of the town of Mayfield, Fulton county, N. Y., to vote by districts for town officers.

No. 636, G. O. 736 — Mr. D. A. Wells :

An act to amend an act entitled "An act to enable the electors of the town of Johnstown to vote by districts for town officers," passed March 21, 1862.

STATE OF NEW YORK.

No. 117.

IN ASSEMBLY,

APRIL 14, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 504, printed No. 456, entitled "An act to incorporate the State Charities Aid Association," reported in favor of the passage of the same, with an amendment as follows:

Section six strike out after the word "institutions" in line four, down to and including the word "therewith" in line six; also to add at the end of section six the following: "Excepting only such insane patients in State lunatic asylums as the physician in charge shall see fit to exempt from the operation of this provision."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Carpenter, E. A.,

Strait,
Chamberlain,
Wells,

Cookinham,
Nowlan,
Fish.—9

Negative:

Griggs,

Gorsline.—2

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 242, printed No. 225, entitled "An act to permit and authorize the city of Albany to issue the bonds of said city for the payment of the expense of draining, grading, forming, paving and flagging a portion of South Pearl street in the city of Albany, and to extend the time of payment of the assessments therefor," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

[Assem. Doc. No. 117.]

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,
Carpenter, E. A.,

Griggs,
Strait,
Chamberlain,
Wells,

Cookinham,
Gorsline,
Nowlan,
Fish.—13

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 548, printed No. 168, entitled "An act to protect the rights of citizens of this State owning and holding claims against other States," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Dougherty,
Clancy,
Strait,

Chamberlain,
Wells,
Cookinham,

Gorsline,
Nowlan,
Fish.—9

Negative:

Carpenter, E. A.—1

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 507, printed No. 457, entitled "An act to amend chapter six hundred and thirteen of the Laws of eighteen hundred and sixty-seven, entitled 'An act in confirmation of the conveyance of lands to the Queens County Agricultural Society, and extending the powers of the officers of said society,'" reported in favor of the passage of the same, with an amendment as follows:

Section one, line seven, strike out the word "agriculturists," and insert "agricultural society."

Said bill was ordered reported by the following vote:

Affirmative:

Dougherty,
Duell,
Clancy,
Carpenter, E. A.,

Strait,
Chamberlain,
Wells,
Cookinham,

Gorsline,
Nowlan,
Fish.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 320, printed No. 297, entitled "An act to establish a special road district and to appropriate the highway taxes on the non-resident lands therein, for the construction of road from Blood's hotel, in Harrietstown, Franklin county, to Tupper's lake, in the county of Franklin, reported in favor of the passage of the same, with amendments as follows:

Section one, line one, strike out the names of "Leonard Nokes, of Harrietstown, Virgil C. Bartlett, of Brandon," and insert "William F. Martin, Isaiah Vosburgh of Harrietstown,"

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Strait,
Chamberlain,
Wells,

Cookinham,
Gorsline,
Nowlan,
Fish.—12

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 490, printed No. 444, entitled "An act authorizing physicians of the different medical schools to meet in consultation," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Griggs,
Strait,

Wells,
Cookinham,
Gorsline.—12

Negative :

Nowlan,

Fish.—2

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 397, printed No. 366, entitled "An act to amend chapter one hundred and ninety-six of the Laws of eighteen hundred and thirty-five, entitled 'An act to incorporate the village of Mount Morris,'" reported in favor of the passage of the same, with amendments as follows:

SECTION 1, line four, strike out the word "and;" same line, after the word "sixty-two" insert "and sixty-three;" line six, after the word "limits" insert "excepting bridges and arch culverts which have heretofore been taken charge of and kept in repair by the town of Mount Morris;" same line, after the word "exempt" insert "except as to said bridges and arch culverts."

Also to add as section sixty-three as follows:

"Whenever a final award is made for damages sustained by reason of making such alteration or improvement, the person acting as assessors may, within twenty days thereafter, assess the amount of such damages upon the estates, real and personal, in said village, and make out an assessment roll of such damages, which assessment roll shall be signed by the president and filed with the clerk and be collected in the same manner as the annual tax is collected, and the trustees shall, within one year from the time of such final award, pay or tender the amount of such damage to the persons to whom the same shall have been awarded; and in case such owner shall refuse the same or be unknown, or a non-resident of said village, idiot or lunatic, or the rights and interests of persons claiming the same shall be doubtful, it shall, in such cases, be lawful for the board of trustees to pay the amount of such damages to the county treasurer of the county where such lands

are situated for the benefit of such person or persons as may be entitled to the same, accompanied by a statement of the facts under which such payment was made, the board of trustees shall cause the clerk of said village to make an entry in the village records of the money deposited, stating amount, with the names of the parties by the awards declared to be entitled to the same. On the proper person or persons being ascertained who are entitled to receive such money, the president of the village is authorized to draw an order on said county treasurer, countersigned by the clerk, and payable to the order of the person or persons entitled to such money, for the amount due such person or persons."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|--------------------|--------------|------------|
| Titus, | Griggs, | Cookinham, |
| Dougherty, | Strait, | Gorsline, |
| Duell, | Chamberlain, | Nowlan, |
| Clancy, | Wells, | Fish.—13 |
| Carpenter, E. A.,] | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 620, printed No. 545, entitled "An act to compel the maintenance of certain lights on draw bridges across the Hudson river," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|--------------|------------|
| Titus, | Griggs, | Cookinham, |
| Dougherty, | Strait, | Gorsline, |
| Clancy, | Chamberlain, | Nowlan, |
| Carpenter, E. A., | Wells, | Fish.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 553, printed No. 87, entitled "An act to amend title four, chapter six, part second of the Revised Statutes, relating to the powers and duties of executors and administrators in relation to the sale and disposition of the real estate of their testator or intestate," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|--------------|-----------|
| Titus, | Strait, | Gorsline, |
| Dougherty, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish.—11 |
| Griggs, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 164, printed No. 152, entitled "An act to

authorize the superintendent of public works to construct a lift, hoist, swing or draw bridge over the Erie canal, upon Genesee street in the city of Utica," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|------------|
| Titus, | Griggs, | Cookinham, |
| Dougherty, | Strait, | Gorsline, |
| Duell, | Chamberlain, | Nowlan, |
| Clancy, | Wells, | Fish.—13 |
| Carpenter, E. A., | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 473, printed No. 430, entitled "An act to amend chapter two hundred and forty, Laws of eighteen hundred and twenty-seven, entitled 'An act for incorporating an aqueduct association in the village of Cooperstown, in the county of Otsego,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|------------|
| Titus, | Griggs, | Cookinham, |
| Dougherty, | Strait, | Gorsline, |
| Duell, | Chamberlain, | Nowlan, |
| Clancy, | Wells, | Fish.—13 |
| Carpenter, E. A., | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 88, printed No. 88, entitled "An act in relation to the opening of streets, avenues and public parks or places in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|------------|
| Titus, | Griggs, | Cookinham, |
| Dougherty, | Strait, | Gorsline, |
| Duell, | Chamberlain, | Nowlan, |
| Clancy, | Wells, | Fish.—13 |
| Carpenter, E. A., | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 388, printed No. 359, entitled "An act to incorporate Excelsior Hose Company Number One of the village of Warwick, New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,
Carpenter, E. A.,

Griggs,
Strait,
Chamberlain,
Wells,

Cookinham,
Gorsline,
Nowlan,
Fish.—13

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 570, printed No. 141, entitled "An act to transfer the town of Berlin, in the county of Rensselaer, from the first to the second school commissioner district of said county, and the town of Brunswick in said county, from the second to the first school commissioner district of said county," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Duell,
Carpenter, E. A.,
Strait,

Chamberlain,
Wells,
Cookinham,

Gorsline,
Nowlan,
Fish.—10

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 296, printed No. 274, entitled "An act to amend an act entitled 'An act for the relief of stockholders of corporations whose certificates of stock have been lost or destroyed,' passed March twenty-seventh, eighteen hundred and seventy-three," reported in favor of the passage of the same, with an amendment as follows:

To amend the title so that it will read:

An act to amend section one of chapter one hundred and fifty-one of the Laws of eighteen hundred and seventy-three, entitled "An act for the relief of stockholders of corporations whose certificates of stock have been lost or destroyed."

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,
Carpenter, E. A.,

Griggs,
Strait,
Chamberlain,
Wells,

Cookinham,
Gorsline,
Nowlan,
Fish.—13

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 618, printed No. 543, entitled "An act to provide for the proper drainage of lands in the city of New York," reported in favor of the passage of the same, with amendments as follows:

Section one, line five, after the word "thereof" insert "and the construction of drains therefor;" line nine, after the word "such," insert "proposed."

Section five, line three, strike out second word "in" and insert "the;" same line after the word "drains" insert "as herein proposed."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|------------|
| Titus, | Griggs, | Cookinham, |
| Dougherty, | Strait, | Gorsline, |
| Duell, | Chamberlain, | Nowlan, |
| Clancy, | Wells, | Fish.—13 |
| Carpenter, E. A., | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 351, printed No. 325, entitled "An act to amend section four hundred and thirty-five of the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|------------|
| Titus, | Griggs, | Cookinham, |
| Duell, | Strait, | Gorsline, |
| Clancy, | Chamberlain, | Nowlan, |
| Carpenter, E. A., | Wells, | Fish.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 703, printed No. 611, entitled "An act to provide for the protection and preservation of fish in the county of Monroe, State of New York, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|-----------|
| Titus, | Strait, | Gorsline, |
| Duell, | Chamberlain, | Nowlan, |
| Clancy, | Wells, | Fish.—11 |
| Griggs, | Cookinham, | |

Negative:

Carpenter, E. A.—1

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 446, printed No. 408, entitled "An act to provide for the bringing of actions for relief in certain cases where agreements, contracts and instruments in writing have been recorded," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|-----------|
| Titus, | Strait, | Gorsline, |
| Duell, | Chamberlain, | Nowlan, |
| Carpenter, E. A., | Wells, | Fish.—11 |
| Griggs, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 424, printed No. 389, entitled "An act to amend chapter six hundred and eleven of the Laws of eighteen hundred and seventy-five, entitled 'An act to provide for the organization and regulation of certain business corporations,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|-----------|
| Titus, | Strait, | Gorsline, |
| Duell, | Chamberlain, | Nowlan, |
| Carpenter, E. A., | Wells, | Fish.—11 |
| Griggs, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 385, printed No. 357, entitled "An act to regulate the taking of clams and oysters in the waters of the State of New York on the north side of Staten Island," reported in favor of the passage of the same, with an amendment as follows:

Amend the title by striking out the word "North," and inserting "South."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|-----------|
| Titus, | Chamberlain, | Gorsline, |
| Duell, | Wells, | Nowlan, |
| Carpenter, E. A., | Cookinham, | Fish.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 443, printed No. 405, entitled "An act to legalize the acts of Franklin C. Whitney as a notary public," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|-----------|
| Titus, | Chamberlain, | Gorsline, |
| Duell, | Wells, | Nowlan, |
| Carpenter, E. A., | Cookinham, | Fish.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 361, printed No. 335, entitled "An act to establish a ferry from the farm of Henry G. Burleigh, of the county of Essex, across lake Champlain," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|-------------------|--------------|-----------|
| Titus, | Chamberlain, | Gorsline, |
| Duell, | Wells, | Nowlan, |
| Carpenter, E. A., | Cookinham, | Fish.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 454, printed No. 416, entitled "An act to amend section three of chapter three hundred and twelve of the Laws of eighteen hundred and thirty-eight, entitled 'An act to appoint trustees of the Jones fund for the support of the poor of the towns of Oyster Bay and North Hempstead, in the county of Queens,'" reported in favor of the passage of the same, with an amendments as follows:

Amended by substituting Senate bill on the same subject, number 296.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------------|--------------|-----------|
| Titus, | Strait, | Gorsline, |
| Duell, | Chamberlain, | Nowlan, |
| Carpenter, E. A. | Cookinham, | Fish.—9. |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 413, printed No. 379, entitled "An act to amend chapter two hundred and ninety-one of the Laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," reported in favor of the passage of the same, with an amendment as follows :

§ 1. Line thirty-one, strike out the word "during."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|---------|------------------|-----------|
| Titus, | Carpenter, E. A. | Gorsline, |
| Duell, | Strait, | Nowlan, |
| Clancy, | Cookinham, | Fish.—9. |

Negative.

Chamberlain.—1.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 166, printed No. 154, entitled "An act to amend chapter two hundred and fifty-nine of the Laws of eighteen hundred and forty-eight, entitled 'An act to provide for the incorporation of bridge companies,' passed April eleventh, eighteen hundred and forty-eight," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

[Assem. Doc. No. 117.]

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,
Carpenter, E. A.³

Griggs,
Strait,
Chamberlain,
Wells,

Cookinham,
Gorsline,
Nowlan,
Fish.—13.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 617, printed No. 542, entitled "An act to authorize corporations formed for the erection of buildings to mortgage their property and franchises," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Duell,
Carpenter, E. A.,

Strait,
Chamberlain,
Cookinham,

Gorsline,
Nowlan,
Fish.—9.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 631, printed No. 185, entitled "An act supplementary to chapter three hundred and sixty-eight of the Laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Duell,
Carpenter, E. A.

Strait,
Chamberlain,
Cookinham,

Gorsline,
Nowlan,
Fish.—9.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 332, printed No. 35, entitled "An act to prohibit the construction of buildings, of wood or other combustible materials, in a certain portion of the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Duell,
Carpenter, E. A.

Strait,
Chamberlain,
Cookinham,

Gorsline,
Nowlan,
Fish.—9.

STATE OF NEW YORK.

No. 118.

IN ASSEMBLY,

APRIL 15, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 683, printed No. 174, entitled "An act to repress and punish disorderly conduct on public conveyances," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Duell,
Carpenter, E. A.,
Strait,

Wells,
Cookinham,
Nowlan,

Evans,
Fish,
Van Valkenburgh.—10

Negative :

Dougherty,

Clancy.—2.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 506, printed No. 132, entitled "An act to authorize the reception and treatment in Bellevue Hospital of persons who do not reside in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Strait,
Wells,
Cookinham,

Nowlan,
Evans,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 547, printed No. 103, entitled "An act to secure the registration of the births of children of residents of the city of New York, occurring during the temporary absence from such city of the parents of such children, and respecting transcripts of the records," reported in favor of the passage of the same, with amendments as follows:

Section one, line three, after the words "New York," insert "and the birth of children which failed to be recorded through the neglect of the physician, or other medical attendant present at such birth;" same section, line seven, strike out after the word "children," to and including the word "recorded;" also to amend the title by inserting after the words "New York," the following: "And the birth of children which failed to be recorded through the neglect of the physician or other medical attendant present at such birth."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|------------|---------------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Van Valkenburgh.—11 |
| Carpenter, E. A., | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 335, printed No. 310, entitled "An act relating to certain streets and avenues in Astoria, Long Island City," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|------------|---------------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Wells, | Fish, |
| Duell, | Cookinham, | Van Valkenburgh.—11 |
| Clancy, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 291, printed No. 269, entitled "An act to amend chapter four hundred and sixty-one of the Laws of eighteen hundred and sixty-seven, entitled 'An act for the support and relief of the poor and for the government of the poor department in the county of Erie,' passed April nineteenth, eighteen hundred and sixty-seven," reported in favor of the passage of the same, with amendments as follows:

Section one, lines eighteen and nineteen, strike out the words "board of supervisors," and insert "county judge."

Also to add at the end of section one as subdivision eight the following:

8. He shall furnish to the board of supervisors, on or before the third week of the annual session of said board in each year, a detailed state-

ment of all outstanding indebtedness or liability against said poor-house belonging to his department, and a failure to furnish such statement, or the willful omission from such statement of any liability or indebtedness, shall be deemed a misdemeanor, and on conviction shall be punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|---------|------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Duell, | Wells, | Evans, |
| Clancy, | Cookinham, | Van Valkenburgh.—10 |
| Griggs, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 671, printed No. 587, entitled "An act to exempt Fulton county from the provisions and operations of chapter one hundred and seventy-five of the Laws of eighteen hundred and seventy, entitled 'An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|------------|---------------------|
| Titus, | Wells, | Evans, |
| Duell, | Cookinham, | Fish, |
| Carpenter, E. A., | Nowlan, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 502, printed No. 454, entitled "An act to amend chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine, entitled 'An act for the preservation of moose, wild deer, birds, fish and other game,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|------------|---------|---------------------|
| Titus, | Griggs, | Nowlan, |
| Dougherty, | Strait, | Evans, |
| Duell, | Wells, | Van Valkenburgh.—10 |
| Clancy, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 441, printed No. 403, entitled "An act to change the name of Hamburg Cemetery Association to Prospect Lawn Cemetery Association, and to legalize certain acts of said association," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Duell,
Strait,

Wells,
Cookinham,
Nowlan,

Evans,
Fish,
Van Valkenburgh.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 735, printed No. 635, entitled "An act to enable the electors of the town of Mayfield, Fulton county, N. Y., to vote by districts for town officers," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Duell,
Strait,

Wells,
Cookinham,
Nowlan,

Evans,
Fish,
Van Valkenburgh.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 564, printed No. 497, entitled "An act to amend section four of title three and section six of title four of an act entitled 'An act for the incorporation of villages,'" passed April twentieth, eighteen hundred and seventy, reported in favor of the passage of the same, with amendments as follows :

Section one, line one, strike out first words "An act" and insert "chapter two hundred and ninety-one of the Laws of eighteen hundred and seventy."

Also to amend the title so that it will read:

"An act to amend section four of title three and section six of title four of chapter two hundred and ninety-one of the Laws of eighteen hundred and seventy, entitled 'An act for the incorporation of villages.'"

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Duell,
Strait,

Wells,
Cookinham,
Nowlan,

Evans,
Fish,
Van Valkenburgh.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 574, printed No. 503, entitled "An act to amend chapter five hundred and fifty-five, Laws of eighteen hundred and sixty-four, entitled 'An act to revise and consolidate the general acts relating to public instruction,'" passed May second, eighteen hundred and sixty-four, three-fifths being present, reported in favor of the passage of the same, with an amendment as follows :

Amend the title by striking out the words "passed May second, eighteen hundred and sixty-four, three-fifths being present."

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Duell,
Carpenter, E. A.,

Strait,
Wells,
Cookinham,

Nowlan,
Evans,
Van Valkenburgh.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 410, printed No. 376; entitled "An act to amend section thirty-seven, chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine, entitled 'An act for the preservation of moose, wild deer, birds, fish and other game,'" passed June twentieth, eighteen hundred and seventy-nine, reported in favor of the passage of the same, with an amendment as follows:

Section one, line nine, strike out the word "wholly."

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Duell,
Clancy,

Griggs,
Strait,
Wells,

Nowlan,
Evans,
Van Valkenburgh.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 682, printed No. 596, entitled "An act to legalize the action of the annual town meeting of the town of Johnstown, in the county of Fulton, held on the tenth and eleventh of February, eighteen hundred and eighty, in raising money for roads and bridges and authorizing the collection thereof," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Strait,
Wells,
Cookinham,

Nowlan,
Evans,
Van Valkenburgh.—10

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 238, printed No. 221, entitled "An act to amend an act entitled 'An act authorizing the incorporation of rural cemetery associations,'" passed April twenty-seven, eighteen hundred and forty-seven, and the acts amendatory thereof, reported in favor of the passage of the same, with an amendment as follows:

Amend the title so that it will read :

"An act to amend chapter one hundred and thirty-three of the Laws of eighteen hundred and forty-seven, entitled 'An act authorizing the incorporation of rural cemetery associations, and the acts amendatory thereof.'" ♦

Said bill was ordered reported by the following vote :

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Strait,
Chamberlain,
Wells,
Cookinham,

Nowlan,
Evans,
Fish,
Van Valkenburgh.—12

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 744, printed No. 642, entitled "An act to facilitate the removal of stable manure from the built-up portions of the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Griggs,
Strait,
Wells,
Cookinham,

Nowlan,
Evans,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 423, printed No. 388, entitled "An act to amend chapter two hundred and sixty-five of the Laws of eighteen hundred and forty-eight, entitled 'An act to provide for the incorporation and regulation of telegraph companies,'" reported in favor of the passage of the same, with an amendment as follows:

To add at the end of section one the following:

"But said provisions shall not in any way apply to the territory embraced within the corporate limits of any city in this State."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Griggs,
Strait,
Wells,
Cookinham,

Nowlan,
Evans,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 642, printed No. 561, entitled "An act in relation to taxes and assessments levied prior to January first, eighteen hundred and seventy-four, in the towns annexed from the county of Westchester to the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Strait,
Wells,
Cookinham,
Nowlan,

Evans,
Fish,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 652, printed No. 568, entitled "An act to amend an act entitled 'An act to amend the charter of the village of Nassau, in the county of Rensselaer, passed April seventeenth, eighteen hundred and sixty-six,'" reported in favor of the passage of the same, with an amendment as follows:

Amend the title so that it will read:

An act to amend chapter six hundred and twenty-eight of the Laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Nassau, in the county of Rensselaer."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Strait,
Wells,
Cookinham,

Nowlan,
Evans,
Van Valkenburgh.—10

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 315, printed No. 292, entitled "An act to amend chapter seventy-seven of the Laws of eighteen hundred and forty-six, entitled 'An act to provide for the erection and establishment of a work-house in the county of Erie,'" reported in favor of the passage of the same, with amendments as follows:

To strike out the word "superintendent" wherever it occurs in the bill, and insert "keeper."

Section one, line eighteen, strike out the words "board of supervisors," and insert "county judge;" line twenty-one, after the word "duty," strike out down to and including the word "necessary" in line twenty-three.

Also to add at the end of section one the following:

"The said keeper shall also furnish to the board of supervisors, on or before the third week of the annual session of said board in each year, a detailed statement of all outstanding indebtedness or liability against said work-house belonging to his department, and a failure to furnish such statement shall be deemed a misdemeanor, and on conviction shall be punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment. The board of supervisors of said county shall have power, and it shall be their duty to make, establish and adopt, from time to time, such rules and regulations for the management of said work-house, and the support, employment and discipline of the persons therein confined as they shall deem necessary. Said board may also, from time to time, appoint such work-house commissioners as shall seem to them expedient, and shall prescribe their compensation; said commissioners shall have such supervisory power over said work-house as shall be conferred upon them by the board of supervisors, or is conferred upon them by existing laws.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Strait,
Wells,
Cookinham,

Nowlan,
Evans,
Van Valkenburgh.—10

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 592, printed No. 517, entitled "An act to authorize and direct the comptroller of the city of New York to pay the salary of James E. McVeany, as one of the assistant aldermen of the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Dougherty,
Duell,
Clancy,

Griggs,
Strait,
Wells,

Nowlan,
Evans,
Van Valkenburgh.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 245, printed No. 228, entitled "An act to provide for the improvement of Steinway avenue, in Long Island City," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,

Clancy,
Strait,
Wells,

Nowlan,
Evans,
Van Valkenburgh.—9

STATE OF NEW YORK.

No. 119.

IN ASSEMBLY,

APRIL 15, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 751, printed No. 131, entitled "An act to amend chapter eight hundred and sixty-eight, Laws of eighteen hundred and seventy-two, entitled 'An act to incorporate the United States Loan and Security Company,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Strait,
Gorsline,
Evans,

Fish,
Ingersoll,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 821, printed No. 241, entitled "An act to amend chapter fifty-three of the Laws of eighteen hundred and seventy-nine, entitled 'An act to revise the charter of the city of Auburn,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Duell,
Carpenter, E. A.,
Strait,

Gorsline,
Nowlan,
Evans,

Fish,
Ingersoll,
Van Valkenburgh.—10

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. , printed No. 211, entitled "An act to amend chapter one hundred and seventy-six of the Laws of eighteen hundred and seventy-two, entitled 'An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, powers and duties,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|-------------------|-----------|---------------------|
| Titus, | Gorsline, | Fish, |
| Duell, | Nowlan, | Ingersoll, |
| Carpenter, E. A., | Evans, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 552, printed No. 148, entitled "An act to legalize the official acts of certain justices of the peace, and authorizing justices of the peace to execute and file official bonds," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|-------------------|-----------|--------------------|
| Titus, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Carpenter, E. A., | Nowlan, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 659, printed No. 575, entitled "An act to permit the admission of persons not paupers into the asylums of this State," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|-------------------|-----------|---------------------|
| Titus, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—11 |
| Carpenter, E. A., | Evans, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 653, printed No. 569, entitled "An act to amend, revise and consolidate an act entitled 'An act to incorporate the village of New Brighton, passed April twentieth, eighteen hundred and sixty-six, and amended April twenty-second, eighteen hundred and sixty-seven, April twenty-seventh, eighteen hundred and seventy-one, March twenty-seventh, eighteen hundred and seventy-two, and May fourteenth, eighteen hundred and seventy-three, and May nineteenth, eighteen hundred and seventy-five, so that the several sections thereof shall read, respectively, as follows:'" reported in favor of the passage of the same, with an amendment as follows:

To amend the title so that it will read as follows:

An act to amend, revise and consolidate chapter eight hundred and nineteen of the Laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of New Brighton, and the acts amendatory thereof and supplemental thereto, so that the several sections thereof shall read, respectively, as follows :"

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|---------|-----------|--------------------|
| Titus, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 729, printed No. 632, entitled "An act supplemental to chapter one hundred and ninety-four of the Laws of eighteen hundred and forty-nine, entitled 'An act to vest in the board of supervisors certain legislative powers, and to prescribe their fees for certain services,' and to repeal chapter five hundred and ninety-seven of the Laws of eighteen hundred and seventy, amendatory of said act," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|-----------|---------------------|
| Titus, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—11 |
| Carpenter, E. A., | Evans, | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 408, printed No. 374, entitled "An act to vest certain powers in 'The Kingston Board of Education' and to facilitate the collection of taxes in the Kingston school district," reported in favor of the passage of the same, with amendments as follows:

Strike out all of section one and insert as follows:

SECTION 1. It shall be the duty of the president of the Kingston Board of Education and the supervisor of the town of Ulster, formerly Kingston, before any of the tax lists are prepared for the collection of taxes in the Kingston school district in the county of Ulster, which district was created under and by virtue of the provisions of chapter three hundred and sixty of the Laws of eighteen hundred and sixty-three, and embraces within its boundaries a part of the territory included in the city of Kingston, and also a part of the territory included in the present town of Ulster, formerly Kingston, to proceed to inquire and determine whether the valuation of real property upon the assessment roll of said town is substantially just as compared with the valuation of real property upon the assessment roll of the city of Kingston, so far as said Kingston school district is concerned, and if determined not to be so they shall alter the valuation of property lying

in either town or city so as to make the ratio of valuation just and equal as near as may be throughout the entire Kingston school district; the assessment shall be based upon such equalized valuations; if the supervisor and president aforesaid are unable to agree, they shall summon a supervisor from some adjoining town who shall unite in such inquiry, and the finding of a majority shall be the determination of such meeting; before proceeding to equalize the president of the board shall take and subscribe the usual oath administered to supervisors; the same compensation shall be allowed to said president as is now allowed by law to supervisors for such work.

Also to amend the title so that it will read:

"An act to vest certain powers in 'The President of the Kingston Board of Education' and the supervisor of the town of Ulster, formerly Kingston, and to facilitate the collection of taxes in the Kingston school district."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Gorsline, |
| Dougherty, | Strait, | Fish, |
| Duell, | Wells, | Van Valkenburgh.—10 |
| Clancy, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 711, printed No. 618, entitled "An act to provide for payment of a salary to the county clerks of Richmond and Franklin counties in lieu of all charges now made against the county," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|-----------|---------------------|
| Titus, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—11 |
| Carpenter, E. A., | Evans, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 606, printed No. 534, entitled "An act to amend chapter fifty of the Laws of eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" reported in favor of the passage of the same, with amendments as follows:

Section one, line fourteen, after the word "every" insert "trustee;" line seventeen, change the word "trustees" to "trustee;" and insert after the word "trustees" "officer or agent."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|-----------|--------------------|
| Titus, | Strait, | Evans, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 702, printed No. 610, entitled "An act for the protection of farmers and market gardeners," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|-----------|--------------|
| Titus, | Strait, | Evans, |
| Duell, | Gorsline, | Fish, |
| Carpenter, E. A., | Nowlan, | Ingersoll.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 697, printed No. 608, entitled "An act authorizing certain officers of the town of Orleans to issue bonds to pay indebtedness of said town," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|--------------------|
| Titus, | Clancy, | Fish, |
| Dougherty, | Carpenter, E. A., | Ingersoll, |
| Duell, | Strait, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 623, printed No. 547, entitled "An act to amend section one of chapter seven hundred and ninety-two of the Laws of eighteen hundred and sixty-six, entitled 'An act to incorporate the village of Port Richmond in the county of Richmond,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------------|-----------|---------------------|
| Titus, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—11 |
| Carpenter, E. A. | Evans, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 633, printed No. 554, entitled "An act to amend chapter one hundred and eighty-four of the Laws of eighteen hundred and thirty-nine, entitled 'An act in relation to trusts for the benefit of the meetings of the religious society of Friends,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|------------------|---------------------|
| Titus, | Carpenter, E. A. | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Gorsline, | Van Valkenburgh.—11 |
| Clancy, | Evans, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 374, printed No. 348, entitled "An act to provide for the collection of unpaid city taxes and local assessments in the city of Buffalo," reported in favor of the passage of the same, with amendments as follows:

Section five, line two, strike out after the word "comptroller," down to and including the word "surplus" in line five; lines six and seven, strike out the words "with a statement of the dispute;" line eight, strike out the words "its payment to him."

Add at the end of section five the following:

"And decree its distribution and payment to the person or persons entitled thereto."

Section six, line seven, strike out the word "immediately."

Section seven, line five, strike out the word "thereon," and insert after the word "interest" "on the amount of the tax, interest and on the aforesaid;" line six, after the word "annum," insert "and expenses balance of said sum at the rate of seven per cent per annum."

Section eight, line nine, strike out the word "conclusiye," and insert "presumptive."

Section ten, line seven, strike out the word "eight," and insert "six;" line ten, strike out the word "so," and after the word "expenses," insert "of the amount or sums;" line twelve, strike out the words "or assessment," and insert after the word "original," the words "general city."

Section eleven, after the word "estate" in line fourteen, insert "no action shall be brought or maintained upon any local assessment for local improvement."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|-----------|---------------------|
| Titus, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—11 |
| Carpenter, E. A., | Evans, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 656, printed No. 572, entitled "An act to amend chapter five hundred and fifty-five of the Laws of eighteen hundred and sixty-four, entitled 'An act to revise and consolidate the general acts relating to public instruction,'" reported in favor of the passage of the same, with an amendment as follows:

Section one, line one, after the word "seventy-seven," insert "of title seven."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|-----------|--------------------|
| Titus, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Carpenter, E. A., | Evans, | Van Valkenburgh.—9 |

Negative:

Nowlan.—1

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 382, printed No. 354, entitled "An act to require banks, banking associations and individual bankers to redeem and retire their circulating notes, and to authorize the superintendent of the banking department to return the securities held by him to secure such circulation," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|---------|--------------------|
| Titus, | Strait, | Fish, |
| Duell, | Nowlan, | Ingersoll, |
| Carpenter, E. A., | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 531, printed No. 475, entitled "An act to incorporate the National Guard Mutual Relief Association of the State of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|-----------|---------------------|
| Titus, | Gorsline, | Fish, |
| Duell, | Nowlan, | Ingersoll, |
| Carpenter, E. A., | Evans, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 523, printed No. 469, entitled "An act to amend chapter four hundred and ten of the Laws of eighteen hundred and seventy-eight, entitled 'An act to improve Flushing avenue, Long Island City,' " reported in favor of the passage of the same, with an amendment as follows :

Section one, line four, strike out the name of "James R. Bennett" and insert "Jacob Stahl."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|-----------|---------------------|
| Titus, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clanoy, | Nowlan, | Van Valkenburgh.—11 |
| Carpenter, E. A., | Evans, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 622, printed No. 546, entitled "An act to amend the charter of the village of Edgewater," reported in favor of the passage of the same, with amendments as follows :

Section one, line eighty-two, after the word "vacancy," insert "or case of suspension;" same line, after the word "office," strike out down to and including the word "act" in line eighty-three.

Line eighty-five, after the word "receive," strike out all down to and including the word "manner" in line eighty-seven, and insert "from the village, except in the case of a vacancy or suspension, the fees allowed by law to justices of the peace outside of the village in similar cases, and he shall present a verified statement of the same, monthly, to the board of trustees, which upon due notice to the police justice and proof satisfactory to it of the sickness, temporary absence or inability to act of said police justice, shall pay to said acting justice the lawful amount of such fees which shall then be deducted from the salary of the police justice; in case of a vacancy or suspension in the office of police justice, the acting justice shall, during the continuance of such vacancy or suspension, receive the salary provided for a police justice, and in a case of suspension the same shall be deducted from the salary of the police justice."

Strike out all of lines one hundred and nine and one hundred and ten, and down to the word "docket" in line one hundred and eleven, and insert :

"§ 5. The said police justice and acting police justice shall each keep a docket, which shall be furnished by the board of trustees, in which he shall correctly enter full minutes of all business done before him as such justice, giving in each case among such other facts as may be proper, the dates of the proceedings before him, the name and residence of the complainant, the name and residence of the defendant or offender, the substance of the complaint or charge, the names of all the witnesses produced, the disposition of the case made by him, and the amount of any fine or penalty imposed by him, and a statement as to whether the same was paid or not, and the date of payment, said."

Line one hundred and fourteen, strike out the word "court" and insert "village."

Line one hundred and twenty-six, after the word "law," insert "and in all such cases said justice of the peace shall be entitled to receive from the village the fees allowed by law to justices of the peace outside of the village in similar cases, and he shall present a verified statement of the same to the board of trustees, which upon due notice to the police justice and other regularly designated justices of the peace, and proof satisfactory to it of the sickness or temporary absence or inability to act of both of said justices, shall pay to said justice of the peace the lawful amount of such fees, which shall then be deducted from the salary of the police justice."

Line one hundred and thirty-seven, after the word "empowered" insert "and directed."

Line one hundred and forty-one, after the word "and" insert "to that place only shall."

Line one hundred and forty-two, strike out the word "shall" and also the word "therein."

Line one hundred and forty-seven, strike out the words "shall commit" and insert "all committals of;" same line, change the word "prisoner" to "prisoners;" also change the word "person" to "persons;" and insert after the word "person" the words "shall be."

Line one hundred and fifty-two, after the word "him" insert "which shall be furnished by the board of trustees and shall be the property of the village, and shall be."

Line one hundred and fifty-six, change the word "book" to "books."

Line one hundred and fifty-seven, change the word "justice" to "justices."

Insert at the end of line one hundred and sixty-seven the words "in lieu of all other compensation."

Line one hundred and seventy, strike out "twelve" and insert "fifteen."

Line one hundred and seventy-one, after the word "him" insert "in equal installments."

Line one hundred and seventy-three, after the word "village" insert "but such salary shall be subject to the deductions hereinbefore provided to be made upon payment to the justice of the peace acting in the place and stead of the police justice."

Line one hundred and seventy-four, after the word "detaining" insert "in the lock-up."

Line one hundred and seventy-six, after the word "and" insert "shall be."

Line one hundred and seventy-seven, after the word "expense" insert "and the compensation or fees of any acting justice."

Line one hundred and eighty-five, after the word "dollars" strike out all down to and including the word "annum" in line one hundred and eighty-eight.

Section four, lines seven and eight, strike out the words "of police regulation."

Also to amend the title so that it will read:

"An act to amend chapter six hundred and seventy-four of the Laws of eighteen hundred and seventy, entitled 'An act to amend and consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater,' passed March twenty-second, eighteen hundred and sixty-six, and 'An act amending the same, passed April twenty-second, eighteen hundred and sixty-seven, and to extend the powers of the corporation, and the acts amendatory thereof and supplemental thereto.'"

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 417, printed No. 382, entitled "An act to amend chapter four hundred and eighty-two of the Laws of eighteen hundred and seventy-five, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" reported adversely thereto, which report was agreed to by the following vote:

[Assem. Doc. No. 119.]

Affirmative:

Duell,
Clancy,
Carpenter, E. A.,

Strait,
Nowlan,
Evans,

Fish,
Ingérsoll,
Van Valkenburgh.—9

Negative:

Titus,

. Gorsline.—2

STATE OF NEW YORK.

No. 120.

IN ASSEMBLY,

APRIL 20, 1880.

THIRTY-THIRD ANNUAL REPORT

OF THE STATE MUSEUM OF NATURAL HISTORY BY THE
REGENTS OF THE UNIVERSITY OF THE STATE OF NEW
YORK.

UNIVERSITY OF THE STATE OF NEW YORK, }
OFFICE OF THE REGENTS, }
ALBANY, *April 30th*, 1880. }

To the Hon. GEORGE H. SHARPE,

Speaker of the Assembly:

SIR — I have the honor to transmit to the Legislature the thirty-third annual report on the State Museum of Natural History by the Regents of the University.

Very respectfully, your obedient servant,

ERASTUS C. BENEDICT,

Chancellor of the University.

[Assem. Doc. No. 120.]

REPORT.

To the Honorable the Legislature of the State of New York:

The Regents of the University of the State of New York, as Trustees of the State Museum of Natural History, respectfully submit their thirty-third annual report.

The condition of the State collections, as detailed in the accompanying reports of the director and botanist, is highly satisfactory. Very material additions have been made during the past year in all departments, partly by the efforts of the scientific staff of the museum and partly by contributions by way of exchange.

The preparation and labeling of specimens have been carried forward as rapidly as the number of assistants would permit. The preparing sections of palæontological specimens showing internal structure has been continued with great success. The same machinery also has been applied to trimming and shaping large specimens which could not without injury be trimmed by the hammer alone.

The botanist has, since the date of his last report, placed in the herbarium of the museum a large number of specimens collected by himself and contributed by others. Lists of these will be found in his report.

The assistant in zoölogy has made large additions to the collections in entomology. The zoölogical department of the museum, although very valuable and instructive, still requires material additions to render it a satisfactory representation of the zoölogy of the State.

The want of additional space in which to arrange the collections of the museum is every year more and more felt. Large numbers of specimens in geology and palæontology are kept in buildings outside of the museum, for want of room. They are therefore in a great measure valueless for the purposes intended, and the separation of the collections renders the care and study of them much more difficult and unsatisfactory. The Trustees therefore beg to urge the necessity of providing at an early day sufficient space for the rapidly increasing and invaluable material of the museum.

The Trustees have noted with satisfaction the increase in the number of visitors to the rooms of the museum. Realizing the propriety of making the State museum as far as possible a place of instruction and interest to the public, they have appointed a special assistant, whose duty it is to provide information and guidance to those who wish to visit and study the collections.

The Trustees, in conclusion, desire to express their satisfaction with the ability as well as the industry and fidelity with which the scientific staff have fulfilled their duties.

All of which is respectfully submitted.

By order of the Regents,

ERASTUS C. BENEDICT,

Chancellor of the University.

DAVID MURRAY,

Secretary.

REPORT.

ALBANY, *January 5, 1880.*

To the Honorable,

The Board of Regents of the University of the State of New York :

GENTLEMEN :— I communicate herewith the annual report on the State Museum of Natural History ; giving some account of the condition of the collections in the several departments, the additions which have been made, and the work done in the Institution during the past year.

I am able to report that the collections of the museum are in good order, and are arranged for exhibition and study as satisfactorily as our facilities will admit. The want of room for the increasing collections is more seriously felt every succeeding year, and it has become quite impossible to place on exhibition the results of the labor in the several departments. The want of proper working rooms in connection with the museum building has long been a serious cause of embarrassment, and most of the work of arrangement and preparation is, from necessity, done outside of the walls of the museum. This being already known to the Regents, it is unnecessary for me to offer any comment, farther than to remark that there are several thousand specimens of fossils already prepared for arrangement in the museum and for which we have no available space in the building.

I beg leave to repeat on this occasion what I have said in my report of last year, regarding some parts of the zoölogical collections. I regard it as very important that the ornithological collection should be re-arranged and relabelled, in accordance with the more recent nomenclature, and that the wanting species should be supplied. Beyond this we need information regarding the migration and local distribution, habits, breeding, etc., of many of the species. While so much attention is being given to this subject in various parts of the country, the State museum of New York should not remain behind similar institutions elsewhere. The subject of ornithology has enlisted so many votaries who have become experts in the science, that it will not be difficult to secure the services of a competent person, who, for a moderate compensation, would undertake and complete the work in a manner creditable to himself and to the State.

In January last I made a special communication to your honorable body upon this subject ; and I beg leave now to call your serious attention to the matter, with a hope that we may be able to accomplish so desirable an object, both for the advancement and diffusion of scien-

tific knowledge among the people of the State, and for the credit and respectability of the State museum.

With my last report, I made a special communication, accompanied by a letter from Mr. Andrew Sherwood, relative to the completion of the geological map of the Catskill mountain region; a map commenced in 1873, and nearly completed when Mr. Sherwood entered the service of the Geological Survey of Pennsylvania, where he has been occupied until last year. Having been employed in the adjacent regions of Pennsylvania, which are of similar geological structure, his experience has given him great advantages, and he will be prepared to give a more satisfactory result, and to connect the work of New York with the completed work of the adjoining State. Mr. Sherwood offers to finish the map for a very moderate cost, and a single season of field work will render it available for publication. I consider this as very important in every respect, and a work that should be no longer neglected.

In order that the reports on the State museum might present evidence of attention to matters of special economic interest, closely connected with the immediate wants of an intelligent people, I communicated, with my report of last year, a paper by Mr. C. E. Hall, of the Pennsylvania Geological Survey, upon the geographical and geological distribution of the iron ores in portions of northern New York. This report is still in the hands of the printer.

With a view to a farther exposition of this important subject, I have made an arrangement with Mr. J. H. Case, civil and mining engineer at Port Henry, to prepare a correct map of the mining region of that part of the country, which will be accompanied by some account of the history and progress of mining the magnetic ores, and the statistics regarding the present production. I communicate with this report an outline map upon which the positions of certain ore beds are laid down. I believe that this work is of great importance, and would be of general interest to the public, as giving reliable information concerning this most important mineral resource of the State. At the present time we have no publication which gives any complete account of these mines, in their character or production. The report of Dr. Emmons in 1843 was necessarily very incomplete; the mines had not been developed; the knowledge then possessed was only from the initiation of enterprises which have subsequently proved of great magnitude and importance.

The details of the additions to the museum in each of its departments will be found appended to this report. The donations have not been as extensive as in some former years.

To the Botanical department there have been thirty contributors of an aggregate of one hundred and thirty-two species. The details in regard to this department will be found in the report of the botanist.

To the Zoological department, twenty-six contributors of an aggregate of two hundred and thirty-six species.

To the Mineralogical, Geological and Palæontological department there have been seven contributors.

To the Archæological department, one contributor is recorded.

To the Library, contributions have been received from thirty individuals and societies, of forty-two miscellaneous pamphlets, eighty-seven serials, and eighteen bound volumes.

MUSEUM PUBLICATIONS.

Museum edition, of the Twenty-eighth Report on the State Museum of Natural History.

The Thirtieth Report, containing 256 pages and four plates. [Copies received at the Museum April 27th, 1879.]

The Thirty-first Report, containing 78 pages. [Copies received at the Museum, September, 27th, 1879.]

The following papers by those engaged in the Museum, have appeared in other publications:

United States species of Lycopodon. By C. H. Peck.

Transactions of the Albany Institute, Vol. IX, pp.

Descriptions of new species of fossils from the Calciferous formation. By C. D. Walcott. Advance of the 32d Report on the State Museum Natural History. Jan. 3d, 1879. 4 pp.

Utica slate, etc, Fossils of the Utica slate and metamorphoses of Triarthrus Becki. By C. D. Walcott. *Transactions of the Albany Institute*, Vol. X, pp. sec, 1879. Also as a pamphlet, 38 pp. and two plates.

Description of a new species of Anisota. By J. A. Lintner. *Canadian Entomologist*, Vol. XI, pp. 10-12.

The clover-seed Fly, a new insect pest. By J. A. Lintner. *Ibid.*, Vol. XI, pp. 44, 45.

On Cecidomyia leguminicola, n. sp. By J. A. Lintner. *Ibid.*, Vol. XI, pp. 121-124.

Annual address of the President of the Entomological Club of the American Association for the advancement of Science. [J. A. Lintner.]

Ibid., Vol. XI, pp. 163-175.

Descriptions of new species of fossils from the Niagara formation, at Waldron, Indiana. By James Hall.

Transactions of the Albany Institute, Vol. X, pp. 57.

Also, as a pamphlet, 20 pp.

THE WORK OF THE MUSEUM.

BOTANY.—The accompanying report of the Botanist, Mr. C. H. Peck will indicate the work done by himself, the additions to the Herbarium, and the general condition of the department.

ZOOLOGY.—Owing to the discontinuance for the past few years of special appropriations for increase in the Zoölogical department, no large additions have recently been made. A few specimens of birds have been mounted and placed in the cases. As a source of interest to visitors, and of instruction to students, and to the agriculturists and horticulturists of the State, two collections of insects have been commenced during the past year. A **SYNOPTICAL COLLECTION** designed to illustrate the classification of the insect world, and to readily show to the student its systematic divisions into orders, families, genera and species. Five cases have been arranged and are ready.* The completed series will probably require about twenty cases for its illustration. For the **BIOLOGICAL COLLECTION**, quite an amount of material has

* For list of species, see art. 8 of this report.

been obtained, which is not yet exhibited. This collection is intended to represent the entire life-history of our most injurious insects, throughout, as far as possible, their several stages and transformations, their architecture, conditions of disease, the parasites attacking them, and their depredations upon their food-plants or other objects which they infest or frequent. Such a collection will admit of indefinite extension ; and its value for instruction and economic uses will be commensurate with its use in showing the several phases of the insect depredator whose nature and habits it is important to learn.

GEOLOGY.—The principal work in the arranged collections of this department has been to exhibit in some temporary table-cases the series of rock specimens, 215 in number, collected the previous summer by J. W. Hall from fifty-one typical localities on the Hudson river, between Rhinebeck and New York. This excellent series will illustrate to some extent, the physical characters and the geographical distribution of the rocks of that part of the Hudson river valley. The specimens at present bear only the locality number, the list of localities corresponding being in the director's office.

The collections of fossil corals from Western New York have furnished large numbers of fine slabs covered with various species and genera of corals, which have been weathered into fine relief ; or of masses of a single species, which being silicified have been beautifully preserved in the weathering and solution of the limestone. These make most interesting and important additions to the collection, both for study and exhibition. For the want of a suitable place for their display, a few of these slabs only have been placed in the entrance-hall of the Museum.

During the past year, studies of the **GASTEROPODA**, **PTEROPODA**, and **CEPHALOPODA** have been essentially finished, and the volume containing the descriptions and figures of the species, embracing 492 pages of letter press with 120 plates, has been completed and published.

All the specimens of **Gasteropoda**, which had been in use, from the original collections of the Museum, together with others obtained from later collections, and used for special study, have been placed in the cases upon the first floor of the Museum and properly labeled. The specimens of **PTEROPODA** and **CEPHALOPODA**, which have been used in the descriptions and illustrations of the volume, will soon be labeled and arranged in the cases as far as these afford room for the same. In the last mentioned class of fossils large accessions have been made to the collections and to the number of species, and the cases available for their exhibition are quite inadequate to contain them.

The cleaning, preparation and ticketing of the extensive collections of 1878, chiefly the Corals and Bryozoa of the Upper Helderberg and Hamilton groups, have occupied the greater part of the time of Mr. Geo. B. Simpson who has made a careful study of the Bryozoans of this and the previous collections ; and has selected and arranged the materials, critically determining the species. This work has been done for the Museum collections preparatory to making the drawings for illustrating this portion of the Natural History of the State. The material has afforded figures for about twenty-five plates, for which the original drawings are nearly completed.

Mr. C. E. Beecher has been occupied for a considerable time upon

the study and arrangement of the Waldron Collections, of which the Museum now possesses a very extensive and well arranged series. The latter part of the year has been entirely devoted to the CEPHALOPODA, which will soon be arranged in the rooms of the Museum.

In the preparation of the corals, for study and illustration, large numbers of translucent sections have been made, and also simple cuttings with polished surfaces.

The machinery used for cutting sections has also been applied to trimming and shaping large specimens, which cannot be trimmed with a hammer without danger of fracturing. A large number of specimens have thus been made available for the Museum, which were too unwieldy or otherwise unfit for arrangement in the cases.

The addition of 500 drawers during the past year will afford great relief in the disposition of the accumulated collections. These will all be occupied by a selected series of corals, arranged for the special study of this class of fossils, and from which specimens will be taken for illustrating the Natural History. A very large number of specimens of corals will ultimately be available for distribution to the colleges and normal schools; but this work cannot properly be done until the final determination of the species, in order that the collections may be authentically labeled.

During the present year we shall require five hundred additional drawers for receiving the collections which are now in process of being unpacked and prepared for labeling and arrangement. Even with such accommodation, we shall be obliged to repack in boxes a large amount of material, after it shall have been cleaned and ticketed. This course is very unsatisfactory in every way, since it renders so much of the collection almost inaccessible.

FIELD COLLECTIONS.

The field collections during the past year have been chiefly limited to the Trenton Limestone. Dr. J. W. Hall was engaged for two or three weeks in making collections from that formation along the shores of Lake Champlain. This collection has furnished specimens of Bryozoa and other fossils, which are very much needed in the Museum.

REPORTS OF THE MUSEUM.

During the past year, the 28th, 29th, 30th, and 31st reports on the State Museum have been published for the use of the Regents and the Museum. The three first named, together with the 27th report, were especially ordered near the close of the Legislative session of 1878, having been previously ordered printed as Legislative documents at the time of their presentation. This delay in ordering these reports printed has operated to the disadvantage of the Museum, since it has not been possible to place before the public evidence of the work done in the successive years. The printing of so many reports during one year has required much time and special attention to proof reading by persons connected with the Museum. Notwithstanding this unusual interference, the ordinary work of investigation has been very successfully carried on, as you will learn from the communications accompanying this report.

The organization of the Museum, as existing during the past year, has been very satisfactory, and the work accomplished, both in the direction of scientific investigation and in the preparation of the collections for the Museum, and for illustration, has been greater than in any previous year.

I would therefore recommend that the same organization be continued during the ensuing year.

I am very respectfully,

Your obedient servant,

JAMES HALL,

Director.

STATE OF NEW YORK.

No. 121.

IN ASSEMBLY,

APRIL 20, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 650, printed No. 566, entitled "An act to provide for the protection of mechanics and others," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Duell,
Strait,
Chamberlain,

Wells,
Gorsline,
Nowlan,

Fish,
Ingersoll,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 736, printed No. 636, entitled "An act to amend an act entitled 'An act to enable the electors of the town of Johnstown to vote by districts for town officers,' passed March twenty-first, eighteen hundred and sixty-two," reported in favor of the passage of the same, with amendments as follows :

Section one, line one, strike out the words "of the act," and insert "of chapter thirty-six of the Laws of eighteen hundred and sixty-two."

Also amend the title so that it will read :

An act to amend chapter thirty-six of the Laws of eighteen hundred and sixty-two, entitled "An act to enable the electors of the town of Johnstown to vote by districts for town officers."

Said bill was ordered reported by the following vote :

[Assem. Doc. No. 121.]

Affirmative :

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 223, printed No. 206, entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relating to, public instruction,' passed May second, eighteen hundred and sixty-four," reported in favor of the passage of the same, with an amendment as follows:

To amend the title so that it will read : .

An act to amend chapter five hundred and fifty-five of the Laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction, and the acts amendatory thereof and supplementary thereto."

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 655, printed No. 571, entitled "An act to amend chapter five hundred and ten of the Laws of eighteen hundred and sixty-nine, entitled 'An act to amend an act entitled 'An act to incorporate the village of Flushing,' passed April fifteenth, eighteen hundred and thirty-seven, and the several acts amendatory thereof, passed March twentieth, eighteen hundred and fifty-seven," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 624, printed No. 548, entitled "An act to amend chapter sixteen of part one of the Revised Statutes in relation to highways and bridges," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 349, printed No. 323, entitled "An act to regulate the use of intoxicating liquors in poor-houses, juvenile reformatories, protectories, houses of refuge, jails, penitentiaries and prisons," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 576, printed No. 505, entitled "An act to legalize the official acts of Elihu W. Clarke, a justice of the peace of the town of Milford, in the county of Otsego," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 752, printed No. 647, entitled "An act to authorize and facilitate the construction and improvement of sidewalks in the streets of unincorporated villages, and the application of highway labor thereto," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|--------------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish, |
| Strait, | Gorsline, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 677, printed No. 592, entitled "An act to release the interest of the people of this State in certain real estate of which Paul Pontaw, late of the city of Brooklyn, county of Kings, died seized, to Nannette Johnson," reported in favor of the passage of the same, with amendments as follows:

To change the word "Pontaw" to "Pontau" wherever it occurs in the title and bill.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|-------------------|-----------|--------------------|
| Titus, | Strait, | Nowlan, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 442, printed No. 404, entitled "An act for the relief of W. H. Carver," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|-----------|--------------------|
| Titus, | Strait, | Nowlan, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 867, not printed, entitled "An act to repeal chapter three hundred and six of the Laws of eighteen hundred and sixty-six, entitled 'An act for the protection of the planting of oysters in the towns of Huntington and Islip, in the county of Suffolk, New York,' and chapter six hundred and sixty-six of the Laws of eighteen hundred and seventy-two amendatory thereof, so far as said act may be applicable to the present town of Huntington in said county," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------------|-----------|--------------------|
| Titus, | Strait, | Nowlan, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A. | Gorsline, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 759, printed No. 245, entitled "An act to incorporate the "Maenner Gesang Verein Eichenkranz," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish, |
| Carpenter, E. A. | Gorsline, | Van Valkenburgh.—10 |
| Strait, | | |

STATE OF NEW YORK.

No. 122.

IN ASSEMBLY,

APRIL 20, 1880.

LIST OF GENERAL ORDERS.

G. O.

610. An act to ratify and confirm the agreement in relation to the boundary lines between the State of New York and the State of Connecticut, entered into by commissioners on the part of said State.

611. An act to encourage improvement in steam propulsion upon the Champlain canal.

612. An act to authorize cities and incorporated villages to charge license fees to persons doing a retail business on the canals of this State.

613. An act to prevent malicious annoyance.

614. An act to incorporate the Bachelor Club of the city of New York.

615. An act to amend an act entitled "An act concerning the writ of certiorari in criminal cases," passed March 21, 1829.

616. An act in relation to the bonded indebtedness of the town of Saratoga in the county of Saratoga.

617. An act to authorize corporations formed for the erection of buildings to mortgage their property and franchises.

618. An act to provide for the proper drainage of lands in the city of New York.

619. An act to prevent interference with owners and captains of steamers engaged in the towing business.

620. An act to compel the maintenance of certain lights on draw bridges across the Hudson river.

621. An act to provide for the completion and opening for public travel of the New York and Brooklyn bridge, and to authorize

the sale and conveyance of certain gores and pieces of land by the trustees thereof.

622. An act to amend the charter of the village of Edgewater.
623. An act to amend section 1 of chapter 792 of the Laws of 1866, entitled "An act to incorporate the village of Port Richmond in the county of Richmond."
624. An act to amend chapter 16 of part 1 of the Revised Statutes in relation to highways and bridges.
625. An act for the relief of the Union Plank Road Company.
626. An act to amend an act entitled "An act to provide for keeping in repair the highway leading from Sacandaga river to Mount Pleasant," passed April 12th, 1862.
627. An act to amend chapter 319 of the laws of 1848, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies."
628. An act to incorporate the Supreme Counsel of Royal Templars of Temperance, and to provide for the organization of select councils, and a grand council for the State of New York.
629. An act relative to the maintenance of the inmates of the Protestant Infant Asylum.
630. An act to incorporate the Grand Council of Royal Templars of Temperance of the State of New York, and to provide for the organization of select councils.
631. An act further to amend chapter 386 of the Laws of 1865, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes."
632. An act to amend chapter 267 of the Laws of 1875, entitled "An act for the incorporation of societies or clubs for certain lawful purposes."
633. An act to amend chapter 184 of the Laws of 1839, entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends."
634. An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which George Johnson died seized to Catharine Johnson, his widow.
635. An act to regulate the passage of lumber, logs and other timber upon the rivers of this State, recognized by law or common use as public highways for the purpose of boating and running lumber, logs and other timber over or upon the same to market or places of manufacture.
636. An act for the appointment of game and fish protectors.
637. An act establishing an agricultural experiment station.

638. An act to provide for building a bridge across the Tonawanda creek, on the Tonawanda Indian reservation, and making an appropriation for the same.
639. An act to authorize the State comptroller to issue revenue bonds in anticipation of the State tax, for expenses of government.
640. An act establishing the salary of the deputy comptroller.
641. An act relative to certain improvements in the city of New York.
642. An act in relation to taxes and assessments levied prior to January 1st, 1874, in the towns annexed from the county of Westchester, to the city of New York.
643. An act to amend chapter 519 of the Laws of 1870, entitled "An act to amend the charter of the city of Buffalo."
644. An act to amend an act entitled "An act to establish regulations for the port of New York."
645. An act to provide for the appointment of a board of elections, and of registers, canvassers, inspectors and poll clerks in the city of Brooklyn, and to fix their compensation.
646. An act to amend an act, entitled "An act to amend the charter of the city of Brooklyn, and the various amendments thereof," passed June twenty-eighth, eighteen hundred and seventy-three.
647. An act to amend the act entitled "An act to revise the charter of the city of Utica," passed February twenty-eighth, eighteen hundred and sixty-two, as amended by the act entitled "An act to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica,"" passed May twentieth, eighteen hundred and seventy-six.
648. An act to amend an act entitled "An act to incorporate the city of Lockport," passed April eleventh, eighteen hundred and sixty-five, and the acts amendatory thereof.
649. An act in relation to the police force in the county of Richmond.
650. An act to provide for the protection of mechanics and others.
651. An act in relation to the overseers of the poor of the town of Flushing, Queens county.
652. An act to amend an act entitled "An act to amend the charter of the village of Nassau, in the county of Rensselaer, passed April seventh, eighteen hundred and sixty-six."
653. An act to amend, revise and consolidate an act entitled "An act to incorporate the village of New Brighton, passed April twentieth, eighteen hundred and sixty-six, and amended April twenty-second, eighteen hundred and sixty-seven, April twenty-

seventh, eighteen hundred and seventy-one, March twenty-seventh, eighteen hundred and seventy-two, and May fourteenth, eighteen hundred and seventy-three, and May nineteenth eighteen hundred and seventy-five, so that the several sections thereof shall read, respectively, as follows :

654. An act to amend chapter three hundred and thirty of the laws of eighteen hundred and fifty, entitled "An act reincorporating the village of Little Falls by the name of Rockton," and the laws amendatory therof.
645. An act to amend chapter five hundred and ten of the laws of eighteen and sixty-nine, entitled "An act to amend an act entitled 'An act to incorporate the village of Flushing,'" passed April fifteenth, eighteen hundred and thirty-seven, and the several acts amendatory thereof, passed March twentieth, eighteen hundred and fifty-seven.
656. An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction.
657. An act to amend section two of chapter four hundred and five of the laws of eighteen hundred and seventy-nine, entitled "An act to amend sections two and ten of chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-eight."
658. An act to amend chapter two hundred and thirty-four of the laws of eighteen hundred and sixty-six, entitled "An act to amend an act entitled 'An act to incorporate the German hospital in the city of New York,'" passed April thirteenth, eighteen hundred and sixty-one, passed March twenty-sixth, eighteen hundred and sixty-six.
659. An act to permit the admission of persons not paupers into the asylums of this State.
660. Concurrent Resolution relative to the toll-sheet for eighteen hundred and eighty.

REPORT
OF
SPECIAL COMMITTEE

TO
INVESTIGATE LEASE OF
PLATTSBURGH AND DANNEMORA RAILROAD.

TRANSMITTED TO THE LEGISLATURE APRIL 20, 1880 .

ALBANY :
WEED, PARSONS AND COMPANY.
1880.

STATE OF NEW YORK.

No. 123.

IN ASSEMBLY,

APRIL 20, 1880.

REPORT

OF THE SPECIAL COMMITTEE TO INVESTIGATE LEASE OF PLATTSBURGH AND DANNEMORA RAILROAD.

At a meeting of the special committee of the assembly of the State of New York to investigate the charges relative to the Dannemora railroad, the following proceedings were had :

The committee met at the capitol on Wednesday, January 28, 1880, Hon. C. P. Ingersoll in the chair.

Present — Messrs. INGERSOLL, HAYES, CHICKERING, POTTS and RHODES.

The CHAIRMAN, Mr. INGERSOLL, then read the following resolution of the assembly, by virtue of which the committee convened :

WHEREAS, It has been charged in the public prints, that the lease of the Plattsburgh and Dannemora railroad to the Chateaugay Railroad Company by the State officials, authorized by law to make and approve a lease of said road, was an unwise and improper act on the part of said officials, and made in utter disregard of the interests of the people of the State, and that by the execution of said lease the people were defrauded of their rights; and

WHEREAS, It was also charged, that Wm. P. Mooers, then and now member of assembly from Clinton county, was interested in the Chateaugay Railroad Company, in lands along the line of said railroad, and also in the lease of said Plattsburgh and Dannemora railroad, and instrumental in procuring its execution; therefore be it

Resolved, That a special committee of five be appointed to investigate said matters and said charges connected with the execution.

of said lease, and report thereon to this house within thirty days from date, and that said committee be and they are hereby authorized to send for persons and papers and in their discretion to visit and inspect said road.

He then spoke as follows:

GENTLEMEN — In pursuance of these resolutions you have assembled here to-day and subpoenaed these witnesses who now appear before you.

Mr. HAYES, of the committee, then said: Inasmuch as this matter naturally concerns the circumstances of making this lease, I will suggest that if you have summoned any one that was concerned in that lease you should call them first.

The CHAIRMAN — I have thought of that, and therefore I have summoned Comptroller Olcott. He is here present, and we will take his testimony first.

Frederic P. Olcott was then duly sworn, and testified as follows:

Q. Where do you reside?

A. I am engaged in business in New York, but I presume my residence is in Albany still, my family still being here.

Q. You were comptroller at the time of the execution of the lease of the Plattsburgh and Dannemora railroad to the Chateaugay railroad?

A. Yes, sir.

Q. And did you approve of the lease?

A. Yes, sir.

Q. Of which this, and the approval which is attached to it, is a copy?

A. Yes, sir. The approval, I think, is in writing.

Q. Did you examine the provisions of the lease fully before approving it?

A. Yes, sir; fully and carefully.

Q. And understood the full import of it?

A. I think so, sir.

Q. Did you believe at the time of the leasing of this road, under the provisions of this lease, that it was a good thing for the State?

A. Yes, sir.

Q. And if so, will you please state to the committee the reasons which you had for arriving at that conclusion, for, perhaps, that is as good a way to get at this matter as can be found. Give us the reasons why you arrived at this conclusion?

A. The Plattsburgh and Dannemora railroad is a short road, running from Plattsburgh to Dannemora. It runs through a very sparsely settled country, its terminus at one end being at Plattsburgh and the other is at Dannemora.

Q. What is the length of this road?

A. I think it is in the neighborhood of sixteen miles; sixteen to

seventeen, perhaps. Possibly eighteen. I don't think it is over eighteen. There is and there can be very little travel or freight over the road except such as comes from the prison and the contractors and those using the prison. There is very little business, practically none, done in Dannemora. That was one reason. The second reason was that by its lease the State retained all the benefits which accrued to it by building the road. According to the contract made by the superintendent of prisons some time before for letting certain labor in the Clinton prison, the State was to receive twenty-five cents a day from the contractors. In case of the road being built, according to the terms of the contract, the contractor was then to pay forty cents a day.

Q. Forty cents a day for what, precisely?

A. The labor of each man. The State was to get twenty-five cents before the road was constructed, but after the road was constructed the State was to receive forty cents each from the contractors. That was procured by the building of the road; and in the leasing of it there was nothing lost there. By the terms of the lease the supplies of the prison were to be carried for nothing; therefore, the State had the carrying of its supplies furnished for nothing, and so they got rid entirely of the business of entering into the carrying trade, which is a pretty hazardous business for a State to engage in. One of the reasons for my approval was that the State was entirely free from claims for accident. There would have been claims before the proper board, the board of audit, perhaps. After the road was leased there was such an accident. An engineer was severely injured, I think, and that the State was relieved from. There was another calculation that entered into my consideration which had considerable weight. The parties leasing the road intended to build another road sixteen miles further into the country, and I now understand that there is a plan on foot to still further extend the road from Belmont to Malone. I don't know what the distance was exactly that they intended to extend the road.

By Mr. HAYES:

Q. Did the State own any land which was being opened up, though the terminus of the road was there at Dannemora?

A. Yes, there are lands there in the prison which the State owns.

Q. Let me ask if that extension was provided for in the lease?

A. There was a clause in the lease by which this road was to be constructed to a certain point within a specified time.

[The witness here read the following extract from the copy of the lease]:

"*First.* That they will, within one year from the date hereof, construct a railroad of three feet gauge from the western terminus of said Plattsburgh and Dannemora railroad, near the Clinton prison, as far as the west line of the State lands in township number five, Old Military tract, known as the 'Rogers purchase,' and will ex-

tend said railroad to the Chateaugay ore mines within two years from this date."

Q. What is that distance?

A. I should say it was sixteen miles.

By Mr. INGERSOLL :

Q. That is, they agreed to extend this road that distance of sixteen miles within a year?

A. No, within two years ; to the westerly line of the State land.

Q. That was the entire distance?

A. No, sir, to the Chateaugay ore mines ; I am not confident that I can state exactly what the distance was ; perhaps some other gentleman can tell the exact distance.

Mr. WEED — I have a map which I will loan to the committee. [The gentleman produces a map.] The red line is the State road, and the black line is the Chateaugay road.

By Mr. INGERSOLL :

Q. As I understand it, the Chateaugay railroad runs through certain State lands?

A. Yes, sir.

Q. In reaching this ore mine?

A. Yes, sir, beyond the prison ; westward of the prison.

By Mr. HAYES :

Q. These are the extension of the Adirondack region of the State lands?

A. No, sir ; they were originally got for the purpose of furnishing wood to the prison ; there are some that have come into the State's immediate possession and some that will probably come into their possession from non-payment of taxes.

Q. Were any purchases of land involved in this lease?

A. No, sir ; not that I know of. The last reason that I have got is that it was costing the State from \$1,000 to \$1,500 to run this road over and above its earnings, and all the responsibility of putting in new rails from time to time, and all the risks of running a railroad, the State relieved itself from and secured the carrying of goods back and forth for nothing, and I could not see any thing wrong in the lease ; otherwise, it never would have received my approval. My recollection is that the road commenced running in November or December of the year 1878, the year previous, and the lease was made in June, I think, 1879.

Q. And you think it would cost the State from \$1,000 to \$1,500 a month to run the road over and above expenses?

A. Yes, sir.

By Mr. HAYES :

Q. What time was the construction of the road begun?

A. I think the bill was passed in April, 1878, and it was practically commenced at once.

Mr. RHODES — The 20th day of May, 1879.

Mr. HAYES — That is the terms of the lease.

Mr. RHODES — That is the date of the lease; when the lease was entered into; that is simply the date of the lease.

By Mr. INGERSOLL:

Q. Do you remember when you approved this lease?

A. I should think it was in May or June, 1879.

Mr. INGERSOLL — I do not discover any date to the approval of the lease; that is, it appears to be of the same date as the lease.

Mr. RHODES — The acknowledgments appear, one as on the 20th and the other one the 21st, and the lease is dated the 20th.

The WITNESS — It was approved practically at the same time it was executed.

Q. Have you been up in that country?

A. Yes, sir.

Q. They say it is a beautiful country?

A. It is a fine country for many purposes.

Q. What is the condition of the country that this Dannemora and Plattsburgh Railroad Company run through?

A. After you go a short distance from Plattsburgh it would be somewhat difficult to feed a goat; it is a very rough country and right up the side of the mountain.

Q. Is it a thickly settled country?

A. No, sir, very sparsely settled.

Q. There could not be much passenger traffic on the road?

A. No, sir, there could not be; there might be an increase of passenger traffic in the summer from persons who stopped over at Plattsburgh going up to the White Mountains, going up to visit the prison.

By Mr. HAYES:

Q. Would there be any shortening of the communication with the lines of the west; would there be any connection?

A. No, sir, it would end at the iron mines; to reach the railroad that passes through Malone you would have to stage it across the mountains the best you could.

By Mr. INGERSOLL:

Q. It does not open any connection?

A. No, sir; there is no railroad communication or stage communication that I know of from any point from the end of the road; it ends at the ore mines.

Q. Then, as I understand it, the entire business of the road, by which the road would be benefited in any way or any form what-

ever, would be the opening up of those ore mines and transporting the supplies to the prison?

A. And such articles as the manufacturers might use there, and also, perhaps, the timber there; there are a great many such things that might be started, and it opens up a country rather rich in such materials, with which there has heretofore been no communication. I would say, for the information of the committee, and they are probably aware of it now, that the power to lease this road was granted in the original act authorizing the construction of the road.

By Mr. HAYES:

Q. Do you mean to say the power of leasing the road was granted in the original charter by the act of the legislature?

A. Yes, sir; what chapter is that?

Mr. INGERSOLL — Chapter 148.

[The witness then read the entire act, as follows]:

SECTION 1. The superintendent of State prisons is hereby authorized and empowered to survey, locate and construct a railroad from a point at or near the Clinton State prison at Dannemora, in the county of Clinton, of the gauge of not more than three feet and six inches, nor less than thirty inches within the rails, for public use in the transportation of persons and property, and to such extent as deemed advisable to employ such labor in the grading, bridging and constructing of said road and in the manufacture of spikes, chairs and such other material necessary in the construction of said road, and in such way as the same may be employed with due economy to the interests of the State. The said superintendent of prisons is also authorized and empowered to use timber or other materials from the lands belonging to the State in the construction of said road, and of the bridges and superstructure thereof and in the repair thereof.

§ 2. In case the said superintendent of State prisons shall be unable to agree for any real estate required for the purpose of said road, such title may be acquired on a petition by said superintendent in the manner provided by an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April 2, 1850, and the acts amendatory thereof, for acquiring title to land for railroad purposes, except that, in any petition therefor, no averment of subscription to stock or the filing of any map shall be required.

By Mr. HAYES:

Q. What section of the act of 1850 is that?

A. "An act to authorize the formation of railroad corporations and to regulate the same," passed April 2, 1850. I don't think there is any section mentioned here.

[The witness then continued reading as follows.]

§ 3. The said superintendent of State prisons is hereby authorized

and empowered to receive contributions of property, money or labor or land, for the right of way or depot ground, and any property, money or labor so contributed shall be applied and expended in the construction of said road.

§ 4. Said superintendent is also authorized and empowered, upon the completion or partial completion of said road, to lease said road for such term of years and upon such terms and conditions as shall be approved of, in writing, by the governor and comptroller of this State.

That is the section that embraces the lease.

By Mr. HAYES :

Q. That is the right to lease?

A. Yes, sir.

By Mr. INGERSOLL :

Q. There was not only, as I understand it, this road, but also the equipments and lands and all the side track and every thing pertaining to the road, of course, was embodied in the lease?

A. Yes, sir.

Q. Can you tell the committee what lands, if any, were owned at this time by the State, that were transferred by this lease, and how many?

A. I do not remember that there were any lands transferred except such lands as the road rested upon.

Q. That was all?

A. Certainly; no other lands besides.

By Mr. HAYES :

Q. Such as they might acquire for the purposes of the road I suppose?

Mr. INGERSOLL [reads from the lease]: "And it is further mutually agreed that any and all lands, rights and privileges which have been or may hereafter be ceded to or acquired by the party of the first part, from the United States, required for the purposes of operating said railroad, or for terminal facilities at Plattsburgh, shall be used, occupied and enjoyed by the said party of the second part, its successors and assigns, under this lease the same in all respects as the party of the first part might or could do."

Q. What is your recollection of it?

A. My recollection of it is that there was an application made to congress to cede a certain piece of property which they could use in connection with the depot. It was the right of way. The application had not been granted at the time the lease was made, and I understand that application was made at the time of the lease that they might have the use of it the same as the State would have had it.

Q. Then as I understand it there was no land connected with

this lease of the railroad, in any way or form whatever, except what land might be acquired for the road to rest upon?

A. That was all there could be, the commissioners of the land office would have had the purchasing; the superintendent of State prisons would have no right to buy lands.

Mr. WEED — The United States own a plot of 200 acres in the village of Plattsburgh. The United States by special act granted the Canada and New York railroad the privilege of crossing it, the Plattsburgh and Whitehall railroad the privilege of crossing it, and this road the right to cross it. The United States granted to this road the right of way across this land. They have a company of military there, and they have barracks and other buildings. It is impossible to approach the village without crossing this tract, and as they had granted two other railroads the right to cross it, they granted this road the same rights.

Mr. HAYES — The Montreal railroad don't run there, though.

Mr. WEED — That runs in another direction. It runs north. The New York and Canada runs a mile through it — well, I should say it was half or three-quarters of a mile.

By Mr. INGERSOLL:

Q. This resolution, of course, that we are operating under has another point also which we must consider. It has been charged to a certain extent that Mr. Mooers, one of our colleagues here, had some connection with this — certain lands or something of that kind connected with this road. Do you know any thing about any thing of that kind?

A. I will speak on two points as to that; first, as to absolute knowledge, and second, as to my opinion. I have not any absolute knowledge of any kind that Mr. Mooers had any thing to do with the road or the lease, and then, as a matter of opinion, I would like to say that I don't believe he had any thing to do with it. I neither know or believe that he had any thing to do with it.

Q. When had you first any thought of leasing this road; when was it first suggested to your mind?

A. It must have been in April or May, prior to the lease, the lease being in June, I think. It must have been May — probably not earlier than April before, I think.

By Mr. CHICKERING:

Q. Who suggested it to you first?

A. The superintendent of prisons.

Mr. INGERSOLL — The testimony of Mr. Olcott is more particularly for the sake of having the committee posted in the matter of this lease; and, therefore, any member of the committee who desires to ask any questions in regard to this may now do so.

By Mr. RHODES:

Q. Did you make personal investigation of the ground over which this road runs?

A. I knew it before. In fact while the road was in consideration I went up to the prison and stayed there some hours, and drove down the turnpike road.

Q. It is a heavily graded road from Plattsburgh over to the prison, is it not?

A. Yes, sir.

Q. In connection with this lease, did you have any thing to do with it?

A. Not the remotest thing.

Q. Was any correspondence or other papers submitted to you in regard to it?

A. No, sir; I think the first I heard of the lease was that the superintendent of prisons stated to me that he had written to the Delaware and Hudson Canal Company that he would like to lease it to them, and they refused to have any thing to do with it.

Q. Was it a matter of concern that the State would have to abandon the prison if the road was not built?

A. I don't know as it was so much a matter of concern that the State would have to abandon the prison, as that they would have to build a new prison, and the building of this road would virtually give a new prison.

Q. The prison would have to be extended or a road of this kind built?

A. The prison, I presume, was extended for the purpose of confining certain convicts that are now confined in the penitentiaries. There are now some 500 convicts in the penitentiaries.

Q. Were there any efforts made by the governor or yourself to ascertain the expense of running this road and building it?

A. None by me; I was the comptroller of the State and had no more knowledge than any one else about the running of this road.

Q. And did you, in your position, come to the conclusion that it was the best thing for the State to do to lease this road?

A. I did.

Q. And therefore you approved the lease?

A. I did.

By Mr. HAYES:

Q. On what ground did you arrive at that judgment or conclusion?

A. I think I stated that pretty fully before. The last, and possibly the strongest reason that I gave I think, was that it was costing the State from \$1,000 to \$1,500 a month over and above its earnings to run the road.

Q. What was the cost of it; do you remember?

A. Somewhere from \$1,000 to \$1,500 a month.

Q. I mean the original cost?

A. Somewhere about \$170,000.

By Mr. INGERSOLL :

Q. When was this road completed ?

A. My impression is it was completed about December, 1878. I have not taken any pains to refresh myself as to dates. I have come here without looking at any records and therefore I don't speak positively about it.

By Mr. PORTS :

Q. Do you know any thing about the amount or value of the personal property that is included in this lease, rolling stock, etc. ?

A. No, sir ; I cannot speak definitely as to that ; you mean personal property in the nature of locomotives, rolling stock, etc. ?

Q. Yes, sir.

A. It cannot exceed thirty or forty thousand dollars.

By Mr. INGERSOLL :

Q. There is a copy of that lease in the comptroller's office ?

A. I think there is a copy of it in the comptroller's office.

Q. But you don't remember the items contained in the schedule ?

A. I think it contained very trivial things that you would not generally find in an inventory.

By Mr. PORTS :

Q. Do you know any thing about the earnings of this road since the lease ?

A. No, sir.

Q. The law requires that a copy shall be kept in the comptroller's office and one in the office of the superintendent of prisons ?

A. That is my recollection of it.

Q. But you remember that the schedule does not contain any thing — any lands except what was in direct connection with this road ?

A. No, sir ; if there is any thing else it is illegal ; if any such thing was contained or thought of for an instant the lease would be illegal ; all I recollect is such ground as was necessary for the depots and right of way.

By Mr. INGERSOLL :

Q. And such land as was owned by the State at the time the special act was passed ?

A. No, sir ; they could not get any land of the State except what they run through ; they could not get any thing else.

By Mr. RHODES :

Q. The road does not run through State lands from Plattsburgh to Dannemora all the way ?

A. No, sir.

Q. How far from Plattsburgh before the State lands are reached?

A. It is impossible for me to state exactly; there may have been some land acquired by non-payment of taxes, but I think the most of it runs through lands owned by other people.

Q. The \$170,000 includes the rolling stock and every thing as well as the cost of construction?

A. Yes, sir; it includes the fence, the right of way, and every thing.

Mr. WARD—The cost was \$168,000.

By Mr. HAYES:

Q. What time was this lease granted?

Mr. INGERSOLL—To the Chateaugay Railroad Company.

By Mr. HAYES:

Q. Is not that practically the Delaware and Hudson Canal Co.?

A. No, sir.

By Mr. INGERSOLL:

Q. Will you please tell us who the officers of the Chateaugay Railroad Company are?

A. I cannot tell you.

Mr. HAYES—The motive for my question, Mr. Chairman, is to arrive at a conclusion, or some evidence as to whether it is not practically under the control of the Delaware and Hudson Canal Company.

The WITNESS—No, sir, I do not think it is; the proposition was made to them and they refused to have any thing to do with it; I don't think the gentlemen who have it now ever intend to extend it to Malone, and my impression is that the people of Malone will have to extend it themselves.

Q. I ask you if it was not their intention to do something of this kind?

A. You will have to ask the gentlemen when they come on the stand.

Q. I would like to ask how the 15 cents comes in between the 25 cents and the 40 cents?

A. There was a contract made by the superintendent of State prisons, with a hat manufacturer, to lease to him certain labor of the prison for twenty-five cents a day; that was a great deal less than we were doing with any other prison, and there was a question whether if we made a long lease, we should not put in a clause that the State should get forty cents a day, if a railroad was built, and we are getting forty cents a day, and have been for some time.

Q. Isn't there a local profit arising from the traffic on this road except what the State gets?

A. The State did not get any profit; it got a loss.

Q. Is that the only profit which the State has, what is derived from the convict labor?

A. That is all, I think.

Q. Isn't there any thing from the local traffic?

A. I don't think you can get any thing between the prison and Plattsburgh that you can call traffic; I think there is one place up there that has a few houses; the name of the place is Cadyville; I think, if the committee, before they finish their labors, will take the trouble to visit the prison, they will be satisfied that the local traffic will never amount to any thing.

Q. Which would you advise us to do, to ride over the road or drive over in a wagon, or go on foot?

A. If I was running the road, I would say go on foot.

By Mr. RHODES:

Q. The road is not the same gauge as the Delaware and Hudson road?

A. No, sir; the Delaware and Hudson road is four and a half, and this is a three foot gauge.

Q. There is a clause that the road was to be extended by these parties a certain distance?

A. Yes, sir, to the State lands that the State owns there.

Q. The State has nothing to do with the extension?

A. No, sir; not a particle; has nothing to do with the extension at all.

Q. Do you recollect, Mr. Olcott—I don't know but you may have said—whether any modifications of this lease were made by you, and insisted upon and accepted?

A. Yes, sir; there were some.

Q. Was there any clause put in the lease restricting the right of the lessees to fix the compensation and rates of fare, requiring that they should be subject to the superintendent of prisons?

A. That was only as far as the contractors for the prison were concerned, and so far as they might charge too much and drive the contractors out, and by this clause they could appeal to the superintendent and comptroller, and they could regulate the charge.

Q. Did they object to it on the other side?

A. Yes, sir; they objected to it on the other side; there were several other modifications which I have forgotten; I studied the lease for a week, and I presume I read it fifteen times.

By Mr. HALE:

Q. That was a matter of discussion between you and the officers of the company?

A. Yes, sir.

Mr. INGERSOLL—Do I understand that you appear here for the interests of the Chateaugay railroad?

Mr. HALE—Yes, sir.

By Mr. Potts :

Q. Who were the persons of the Chateaugay Railroad Company that you negotiated with?

A. I think the first was Mr. Smith of Plattsburgh; he presented to me the form of the lease, and he did not agree to the suggestions I made, and subsequently he appeared at my office with Mr. Andrew Williams.

By Mr. Hale :

Q. Mr. Williams was the treasurer of the railroad company?

A. I don't know what position he held in the railroad company.

Q. Do you know when the articles with the railroad company were formed?

A. About April, 1879, I should suppose; just before the lease was made.

By Mr. Hayes :

Q. That was about one year after the law authorizing the construction of the road?

A. Yes, sir.

By Mr. Ingersoll :

Q. Was the Chateaugay Railroad Company formed at the time of this lease?

A. It must have been.

By Mr. Hale :

Q. Do you remember that Mr. Smith brought a letter of introduction from Mr. ———, the president of the railroad?

A. I don't recollect that he did; I never met Mr. ——— until this afternoon; I don't recollect any such letter, though there may have been one.

By Mr. Hayes :

Q. It would, perhaps, facilitate the inquiry, Mr. Chairman, in future summonses which you may make to gentlemen as witnesses before the committee, if the comptroller would tell the committee who were the owners of the mines; who made the contract; the owners of the mines, that was my understanding of it, were the parties of both the extensions and leasing the road from Plattsburgh to Dannemora?

A. I can't give a list of them; I can only say that I was not an owner.

By Mr. Hale :

Q. Either in the mine or the railroad?

A. Neither in the mine nor the railroad.

By Mr. INGERSOLL:

Q. The company that own the mine and the company that own the extension are not the same individuals?

A. I dare say some of them were the same individuals.

Q. But not the same corporation?

A. No, sir, I don't know that those that own the mine are the corporation.

Q. The cost of this road and equipments and every thing was about \$170,000 or \$175,000?

A. \$168,000.

Q. What portion of that was for the road itself?

A. That would be very difficult for me to say; I can't give the absolute figures; I can't divide up the items of expense between the road and the fencing.

By Mr. HAYES:

Q. Might I ask Mr. Olcott one more question? What was your opinion as to the interest of the State in relation to the abandonment of those iron works then; would you be willing to give your opinion as to the change from the manufacture of iron and the change to the manufacture of hats?

A. I have very little knowledge of the manufacture of iron as it was practically suspended when I assumed control of the comptroller's office, and I will only say that it was a losing business, the manufacture of iron, a very losing business; and I can only say we are getting considerable revenue out of the manufacture of hats.

Q. Didn't the State lose a large amount of property in selling it?

A. Not that I know of; there has been no machinery sold that I know of except some scrap iron.

Q. The machinery has gone to rust, then?

A. No, sir, you can use the boilers and such machinery just as well in the manufacture of hats.

By Mr. INGERSOLL:

Q. As I understand it, or rather, I would like to have you state to the committee how long, or about how long after the completion of the road, it was, before it was leased?

A. As I have stated, my impression is that the road was completed in December, 1878, and the date of the lease in May, 1879; May 20th or something like that.

Q. And during that time it was run at a loss of \$1,000 to \$1,500 a month?

A. Yes, sir.

By Mr. RHODES:

Q. Inasmuch as the question of these contracts has been touched upon, I desire to bring out some of the facts in regard to that; when was the hat contract entered into, if you know?

A. I think the hat contract — it was early in '78 or late in '77.

Q. Sometime prior to the passage of this act in regard to this road?

A. Yes, sir.

Q. Was the iron contract run down to that time?

A. The iron contract was not a contract.

Q. Was it run down to that time?

A. Yes, sir; practically to that time.

Q. Was the State transporting iron at that time?

A. Yes, sir, the State was making iron and transporting it by wagon; I am informed that the manufacture of iron had been abandoned a year and a half before, and the prisoners locked up.

Q. Were not the convicts idle for some time before the taking up of the hat contract?

A. It would be from the time the iron manufacture was abandoned and the hat contract was taken up; I understand the fact was that the manufacture of iron was stopped a year and a half before.

By Mr. MOORE:

Q. Did I ever talk with you on the subject of the lease, or did I talk with you or have any thing to say to you about this lease?

A. I did not even pay you the compliment of asking your advice.

Mr. OLCOTT then said: "I want to thank the committee for their courtesy and say to them that a simple dispatch will bring me up here at any time."

Thomas Dickson, being duly sworn, testified as follows:

Examination by Mr. INGERSOLL.

Q. Your first name, Mr. Dickson?

A. Thomas.

Q. Where do you reside?

A. My residence is at Scranton, Pennsylvania.

Q. Without going into the details in regard to this matter, what is your business?

A. I am president of the Delaware and Hudson Canal Company, and I am also president of this company that leased this road now under discussion.

Q. Were you president of this company at the time of its formation?

A. I was.

Q. And you have held that office ever since?

A. Yes, sir.

Q. When was this company formed?

A. It was formed just about the time the lease was executed; a few days before, I think.

Q. That was about the last of May?

A. Some time in April or May; May, I think; I don't recollect

the date, but it was but a short time before the execution of the lease.

Q. That is the Chateaugay Railroad Company?

A. The Chateaugay Railroad Company.

Q. Were you also connected with this Chateaugay Iron Company?

A. I, in connection with other parties, made a loan to the Chateaugay Iron Company, and one of the conditions of that loan was that there was some way to be constructed to get out; either by way of the Plattsburgh road or the Ogdensburg road.

Q. Where is this Plattsburgh and Dannemora railroad situated?

A. It runs from Plattsburgh to the State prison at Dannemora.

Q. What is the length of the road?

A. Sixteen or eighteen miles; eighteen, probably. I may state that the lease was prepared originally under my supervision, and was sent up to the State officers with an open letter, I think, that I gave to Mr. Williams, making the proposition. Perhaps my making a statement will expedite matters a little. I think, some time in March, Mr. Pilsbury, the superintendent of prisons, wrote me offering the lease to the Canal company, which I promptly declined. Subsequently this negotiation was completed with these gentlemen who own the iron mines, and I agreed to make a loan. Their preference was to go by way of Belmont down to a connection with the Ogdensburg road. My interests on the other hand were by way of Plattsburgh. I regarded the connection as an important one for the New York and Canada road, if a bargain could be made with the State, to reach the roads coming out this way. They objected, on the other hand, that it would cost a great deal more to come by way of Dannemora than by a connection that would go to the Ogdensburg road. Their idea was to get a connection at as low a cost as possible by a treaty with the Ogdensburg people. This proposition was sent by me to the State officers. They made some propositions which were returned to me, and they were assented to and the lease was signed by me. I never had any talk with any of the persons, the superintendent of prisons, the comptroller or governor, in regard to it.

Q. I understand you that the proposition of Mr. Pilsbury was promptly declined, and this was prior to the formation of this Chateaugay Iron Company?

A. Yes, sir.

Q. And prior to the loan?

A. Yes, sir.

By Mr. RHODES:

Q. This negotiation was in writing between you and the State officers?

A. The only negotiation I ever had I prepared the lease and sent it up to Mr. Pilsbury, and stated to him at the same time that it was such a paper as I was prepared to execute.

Q. Were there any letters passing between you and Mr. Pilsbury at that time?

A. No, sir.

By Mr. HAYES:

Q. The lease, Mr. Dickson says, was returned to them. In what shape was it returned?

A. There was some modifications suggested.

Q. And by what authorization. Who authorized the modifications?

A. As I understand, it was after consultation between the officers who were authorized to execute or approve the lease.

Q. Those officers being——?

A. The governor, comptroller and the superintendent of prisons.

Q. But you have no knowledge that this lease which was returned to you with the modifications was authorized by the governor or the comptroller?

A. No, sir, I have no evidence.

Q. I mean whether the governor or comptroller authorized these modifications?

A. It was so represented to me; I have no letters to show.

Q. Wasn't there a proposition before this from Mr. Pilsbury to lease to the Canal company?

A. Yes, sir; at that time we hadn't any idea of getting into this and didn't anticipate any such thing, and the lease at that time I did not regard as of any value.

Q. Mr. Pilsbury didn't suggest any terms?

A. No, sir, simply asked me if we would lease the road, and, if so, upon what terms.

Q. And you didn't consider the leasing of the road by the Canal company as a good investment?

A. No, sir.

By Mr. RHODES:

Q. Will you state to the committee why it was not?

A. Because I thought it would cost more to run it, and the expenses would be greater than the receipts.

By Mr. HAYES.

Q. What action did you take on that occasion in reply to their return of the lease?

A. I simply wrote Mr. Pilsbury that the property was of that character that I did not believe it would have any value for our company; I made it as courteous as I could.

Q. And there it ended?

A. Yes, sir.

Q. So you have no interest so far as your company is concerned?

A. Our company haven't a dollar's interest, sir.

By Mr. RHODES :

Q. During this negotiation did you have any correspondence with members of the Chateaugay Iron Company ?

A. Yes, sir, I did.

Q. Have you it here ?

A. I have not any of it here ; no, sir.

Q. With whom did you correspond ?

A. With Mr. Weed and Mr. Williams. My recollection of the correspondence is that they were reaching an outlet by Ogdensburg, while I was as strenuous in getting the road to come this way.

Q. Have you any objection to having it produced before the committee ?

A. No, sir.

Mr. HALE—That correspondence is here.

By Mr. RHODES :

Q. That correspondence, as I understand it, is between you and Mr. Pilsbury ?

A. No, sir ; it is between me and Mr. Weed ; the letter is dated April 21st.

The witness reads the letter as follows :

SCRANTON, April 21, 1879.

HON. SMITH M. WEED,

Coal and Iron Exchange, New York :

DEAR SIR—I inclose you a copy of my letter to Averill, which, if the provisions it contains are accepted, pure and simple, it is perhaps the best thing for us to do, although if their railroad mortgage covers, as is usually the case, all property that is obtained subsequent to the date of the mortgage, no covenant they could make would protect us, and our only salvation would be to hold the title to the property from the first, giving them the rights of free use so long as they carried out faithfully the provisions of the contract.

I have but little faith that we can make any arrangement with them, and we cannot afford to lose time in fruitless negotiations.

Very truly, yours,

THOS. DICKSON.

By Mr. HAYES :

Q. That letter is addressed to Smith M. Weed ?

A. Yes, sir.

Q. He was president of the iron company ?

A. He, with Mr. Williams, owned these ore mines upon which I had made the loan, with the understanding that they should get an outlet ; it was a letter of advice, I may say. When the loan was made there was a provision that the money should be expended under my supervision, and as I had control of the purse strings, I had

something to say about where the road should go to, and consequently it reached the Plattsburgh outlet; but I said if they could carry out those conditions I would consent to it, but I hadn't any faith in it.

Q. Did you send a letter to Mr. Averill before you wrote that?

A. I sent one then.

SCRANTON, *April* 21, 1879.

W. J. AVERILL, Esq.,

President Ogdensburgh and Lake Champlain R. R. Co.:

DEAR SIR—Mr. Smith M. Weed writes me that you were in New York on Saturday to talk about connection of Chateaugay ore lands, and he (Weed) desires me to write stating just what is wanted.

Our object is to obtain a connection with your line going either east or west, for the shipment of our ores and manufactures, failing which, we purpose constructing an outlet *via* Plattsburgh.

We want substantially what I stated to you when I had the pleasure of meeting you in New York, which is as follows, to wit:

The ore company will grade the road ready for the superstructure, and will furnish the right of way free of charge, will furnish ties for the same at 12½ cents each.

The engineering to be done at your expense, and the grades and curvatures as good as the country will warrant. That you furnish the iron, bridges, and all necessary superstructures; also the iron for all necessary sidings to separator, etc.

That you carry or transport ore, iron and lumber from any point on the purposed branch and its extensions, or from other openings that may be made upon the property, such extensions not to exceed, however, five miles in each case from the present ore bed, at the rate of fifty cents per ton of 2,240 lbs., to any point on the Ogdensburg and Lake Champlain railroad between the intersection of said branch and Rouses Point, or any point on said main line east of Chateaugay, and from any point on said proposed branch or extensions, to any point west of Chateaugay, including Ogdensburg, at not to exceed one cent per gross ton per mile.

That you will allow us to use the track between the mine or mines and the mill, one mile below Belmont, for our own purposes, without charge for trackage, the ore company furnishing its own engine and equipments, and the track to be so used as not to interfere with the movement of your trains.

That you will furnish the necessary rolling stock for the business, and will move the ore and other products with promptness and dispatch.

In consideration of the constructions and transportation as aforesaid, the ore company will agree to give you all the ore, iron or lumber that they may ship for use outside of the counties of Franklin and Clinton.

A contract to be entered into between the parties, having, say, forty years to run, with the stipulation that if the railroad company,

its successors or assigns, fail or refuse to carry out the provisions of the agreement, that the branch proposed to be built shall become the absolute property of the ore company, to be thereafter used by them for their own sole use and benefit.

As time is all important we must have a definite answer before the first of May.

Very truly, yours,
(Signed) THOMAS DICKSON.

In the meantime we had negotiations with the Ogdensburg people, and made propositions to the State through Mr. Pilsbury.

By Mr. HALE:

Q. Whether these negotiations were closed until a short time previous to the making of this lease?

A. They were not closed until after the making of the lease. They had some difficulty in their election, I think. Some difficulty in the board; there was a split in the board or something. This letter is addressed to Hon. Smith M. Weed, Plattsburgh.

OGDENSBURG, N. Y., 12th May, 1879.

Hon. SMITH M. WEED, *Plattsburgh, N. Y.*:

Presuming you were duly in receipt of my telegram, dated 7th and 8th instant, and of the Hon. C. T. Hulburt's letter, all relating to non-action of our board in the matter of proposed branch to your iron ore beds, it may be superfluous for me to write. However, as you may possibly think it but courteous to let you know why the board declined to act, I will err on the safe side, trusting you will appreciate my motive.

On the 7th, the first day of board's meeting, after getting through other business, I pressed for taking up, discussing and deciding upon the branch. I reported the interviews and correspondence with Mr. Dickson and yourself, where and how we differed, and asked for directions and vote. A bare quorum was present, members became restive, had other engagements, and must leave. Then I procured an adjournment to the next day. The next day arrived and no quorum, and I was compelled to send the telegram I did.

I betray no secret when I tell you that the cause for this declining to act was the probable change of direction to take place at the next annual meeting on June the 19th. There will be a very radical change in the board then. Should you not have decided upon your route before that time, I can assure you that if I have any place in the direction, or rather any control of it, you shall have a prompt decision. How would it do for you to build the road *via* Chateaugay yourself, making a contract with this company to haul your cars, or to lease your road?

Yours, truly,
W. J. AVERILL, *President.*

By Mr. HALE :

Q. Up to the time the telegram was received, in connection with that letter, had not Mr. Weed and Mr. Williams been urging that route to the ore beds?

A. Yes, sir.

Q. And urging that as preferable to the one by Dannemora?

A. Yes, sir.

By Mr. INGERSOLL :

Q. I understand that up to that time there was no proposition made by you to Mr. Pilsbury?

A. It was about that time, I think, that I made a proposition. I was working on one side and these gentlemen on the other.

Q. But the leasing of this Dannemora railroad, or the proposition to lease it, was not prior to this proposition to build the extension?

A. No, sir.

Q. But about the same time?

A. About the same time. During these negotiations I became disgusted with the delays that were taking place. We had put in money in there and we thought of getting it back again.

Q. But you thought it would be a good thing for this company to lease this road upon certain terms?

A. Yes, sir.

Q. You may tell why?

A. Well, because I thought if they built some eighteen miles of road they would have business of their own to make the road profitable to them. If they mined any thing like the ore they ought to do, they could make the road a profitable one, but otherwise I would not give a dime for it.

Q. You refused the lease in connection with the Canal company?

A. Yes, sir.

Q. But for the other you thought it would be a good thing?

A. Yes, sir.

Q. Did you fully determine to build this road before leasing the Plattsburgh and Dannemora road?

A. No, sir; unless that lease had been obtained, the road would have gone the other way; they did not have money enough to build from the mines to Plattsburgh.

Q. One of the conditions of the building of the extension was that they could lease this Dannemora railroad?

A. They did not decide to build the extension until the lease was executed; one was contingent upon the other; one would not have been good for any thing without the other.

Q. You could not, as president of the Canal company, ever lease this road that was owned by the State because you thought it was a poor investment. I would like to have you state to the committee, in your own language, on what ground you thought that it would

be a poor investment ; that is, why the road would not be made to pay ?

A. For the reason that I thought the receipts natural to the road would not make the road pay ; there is nothing but sand and grasshoppers over there, so far as I could see.

Q. Isn't it a fact, on the contrary, that there are a good many farmers that ship a good deal of stuff to the prison ?

A. There is some shipped out of it, and some comes into it, I think.

Q. But it is shipped by this road ?

A. I suppose so, since it was built ; but I think one train a day would take all there was for a year.

By Mr. HAYES :

Q. The purpose, as I understand, of your extension was an extension of the road for the purpose of getting at the iron ?

A. That is it.

Q. And in its going to Ogdensburg you had no interest ?

A. No, sir.

Q. But you had an interest in its coming out at Plattsburgh ?

Q. Yes, sir ; my idea was that if they would carry the ore for a fair price, we could afford to take it from Mooers Junction rather than from the other point.

Q. You thought that you could take it from Mooers Junction easier than you could from Dannemora ?

A. Yes, sir ; this road is a 170 foot grade.

Q. In connection with this road you leased all the appurtenances ?

A. Yes, sir, every thing ; at that time they had one or two engines, I think, that had been contracted for but they had not been delivered ; they were included.

Q. Something was said about the supplies that the farmers sent to the prison ; that you have to take in free of charge ?

A. Yes, sir, all that is for the prison.

Q. All of the State business is carried free ?

A. Yes, sir, except what is done by the contractors, of course.

Q. But if any farmer has supplies which are shipped over the road to the prison you have the right to charge the freight on that ?

A. Not to the State.

Q. But the contractors ?

A. Yes, sir, certainly.

Q. Suppose they make a contract that they are to deliver the supplies at the prison instead of delivering it there ?

A. The State would not be likely to make a contract of that kind because they get the transportation free.

By Mr. HAYES :

Q. What were the terms of the lease ?

A. One dollar a year, I think.

By Mr. INGERSOLL :

Q. What was the entire amount of the property ?

A. I should say, engines and cars altogether, there may have been \$30,000 or \$40,000 worth ; the road was equipped simply for the business that was required to be done between Dannemora and Plattsburgh.

By Mr. HAYES :

Q. You have nothing to do with the rolling stock ?

A. They own the rolling stock and they have leased the State road and make it a continuous road from Plattsburgh to the mines.

By Mr. CHICKERING :

Q. And if this continuation had been built to the mines, it would have made this road profitable to the State ?

A. Yes, sir, but it never would have been built.

Q. If they had made a connection with the Ogdensburg road it would have been no object for them to have a connection with Dannemora ?

A. No, sir.

Q. Suppose there had been a road to Ogdensburg, or the terminus made on this road now, which way can the ores be shipped the cheapest ?

A. For the ores going west the other is the cheapest route ; for those coming east this is the cheapest.

Q. As I understand it, there was thirty or forty thousand dollars worth of rolling stock, and what else besides ?

A. Nothing of any moment.

Q. Except the stations, etc. ?

A. Yes ; and they are few and far between.

Q. The building of the road cost over \$100,000 ?

A. The road, I think, was built very cheap ; sixteen miles of road for \$100,000, including the equipments, over a country like that, I think, is very cheap.

Q. You have been in the railroad business for a good many years ?

A. Yes, sir ; I have been for twenty years or more.

Q. Pretty extensively ?

A. Yes, sir.

Q. And pretty well acquainted with railroad men and railroad interests throughout the country ?

A. Yes, sir.

Q. Now, we would like to have you tell this committee whether, in your judgment, there is any person in the United States or elsewhere, that would have taken this lease upon the terms that you did ? Have you any interest in these mines or any prospect of acquiring any ?

A. That is a pretty broad question ; there has been a great many foolish things done ; I don't believe any railroad man of good judgment who was going into an operation of that kind to make it

remunerative, would ; I don't believe any one would take it as a gift.

By Mr. HAYES :

Q. Do you think the leasing of the road by the State at those terms was a profitable thing for the State ?

A. I think the State made \$20,000 a year by it.

Q. How was that ?

A. I think the State would lose that amount every year in running it ; it would have been a very foolish operation to have built that road for the business that comes upon it, but with the aid of the prison and the labor of these convicts, they can afford to pay the interest on \$100,000, or three or four times that.

Q. How can they afford to do it ?

A. If they made a difference of fifteen cents a day on a thousand prisoners, they would make forty or fifty thousand dollars.

Q. And under this lease the State has all the advantages that it would have had if running the road ?

A. Yes, sir, and a great deal more ; they don't have any of the disadvantages that they would have had.

By Mr. RHODES :

Q. Is the average grade 170 feet to the mile from Plattsburgh to Dannemora ?

A. I don't know ; I think Dannemora is about 1,500 or 1,600 feet higher than Plattsburgh.

Q. And that would be about 100 feet to the mile ?

A. Yes, sir.

Q. And in your experience as a railroad man, is that a very hard grade to work on ?

A. Yes, sir.

Q. You are acquainted with the equipment of a road in that business ?

A. Yes, sir.

Q. And have equipped roads, that is, when they were new ?

A. Yes, sir.

Q. Was there any more rolling stock on that road than was necessary to run the road ?

A. No, sir, I think not ; perhaps not enough for the business that the road was doing ; I don't think there were cars enough, and I doubt whether there was engines enough for that class of road, which is a very hard one to operate in winter. You are liable to have your machinery disabled, and if you are going to run with any regularity, you would have to have duplicate power ; my recollections are that they had about four little engines.

Q. Do I understand that this road is paying now ?

A. I believe not, sir ; the accounts have not been presented to me since the property came into possession of the company ; you can get that from Mr. Williams, the treasurer ; I should say they

had lost money on it, as the State did, until the time the connection was made.

By Mr. RHODES :

Q. When was this connection made?

A. This last December I think.

Q. Do you mean that was when this extension was completed?

A. Yes, sir.

By Mr. INGERSOLL :

Q. As I understand it, the State run this road about four months at a loss of \$1,000 to \$1,500 a month?

A. Yes, sir.

Q. From the time you took possession of this road up to the time that the connection was made, it was about the same?

A. Yes, sir.

Q. Now we would like to know about what the profits (earnings) of the road were at that time?

A. That I don't know; Mr. Williams can furnish you the information; I only say that, taking the same business that the State gives us, the earnings of the road have been very much increased since the construction of this road?

Q. Was there any more business since the completion of this road than there was before that?

A. No, sir; only what we gave it ourselves; the earnings of the road under the Chateaugay Railroad Company, without that road, would not have been increased any.

By Mr. RHODES :

Q. You have no doubt but this was a good thing for the State, and as to the others, you don't think it was, under the contract?

A. I think it was for the State; as to the Chateaugay Railroad Company, that is to be determined; it was not a charitable operation at all; it was done for the purpose of making money out of it.

Q. As president of the Chateaugay Railroad Company, you didn't lease this of the State to get them out of a bad job, that they had got into?

A. No, sir, but believing it would be a good thing for the Chateaugay Railroad Company under the lease.

By Mr. HALE :

Q. The lessees are to keep the road in good condition, and repair the same from time to time, etc., as may be necessary to maintain the same in good order, and to maintain the rolling stock, and also maintain the fences along the road in good order, and the depots and other structures; what do you say to that as to its importance to the State?

A. It is important to the State if the road is going to be maintained.

Q. And what would be the cost ordinarily of keeping up the road, considering any depreciation of the stock?

A. That would depend upon the stock; the class of ties they have in that road would wear out after about five years' service, and then they would have to be renewed; the iron is a question of tonnage, and the machinery — you may calculate that to maintain and keep the machinery in order, it will take about twenty-five per cent of its cost, every year.

Q. And the trestle work?

A. That will have to be renewed about every five years.

By Mr. INGERSOLL:

Q. The road was in good condition when you took it?

A. Not very, no, sir; not as good as any ordinary country road; a good many of the banks were narrow, and a good deal of siding would be required in order to do any business on it; the station buildings were mere makeshifts.

Q. You keep the amount of the business with the prison and the State?

A. Yes, sir.

Q. Can you tell us about what business you had monthly?

A. No, sir; Mr. Williams who is here can tell you that.

By Mr. HAYES:

Q. Are you responsible for the property of the State if any accident should happen while it was being transported to and fro?

A. Yes, sir, I suppose we would; if we had a smash-up and destroyed property of the State, we would be obliged to replace it.

By Mr. INGERSOLL:

Q. If you had a smash-up and destroyed the property, you would have to replace it?

A. Yes, sir, the same as any common carrier.

Q. Do the lessees pay any taxes on this road?

A. No, I think not, sir; I think they are relieved from State taxes.

By Mr. MOOERS:

Q. Without regard as to whether the lease was favorable to the State or not, I would like to inquire if I was consulted at all by yourself in regard to this lease, or did I ever even have any conversation with you on the subject, or did I even know that negotiations were in progress?

A. I never passed a word with you on the subject, either directly or indirectly, and if you had any knowledge of the propositions they were from other persons than from me.

Mr. HAYES—Mr. Weed informs me that he would take it as a favor if the committee would examine him.

Mr. WEED — So far as I am concerned I can sit here a while longer, if the committee feel disposed, or I will come for an evening session.

After some discussion, it was determined to proceed with the investigation on Thursday.

Mr. INGERSOLL stated that it was not the intention of the committee to examine Mr. Dixon to-day, but that he came up on the subpoena without notification to the contrary.

Mr. CHICKERING then moved that the committee adjourn until to-morrow morning at 9:30 A. M.

Mr. RHODES moved to amend by making it nine o'clock.

Mr. DICKSON stated that whenever the committee desired to go over the road from here to Plattsburgh and from there to Danemora, he would place a car at their disposal.

After some further discussion the committee adjourned until Thursday, January 29th, at 3 P. M.

SECOND SESSION.

THURSDAY, *January 29th*, 1880, 3 P. M.

The committee met at the capitol pursuant to adjournment.

Present — Messrs. INGERSOLL, CHICKERING, HAYES, POTTS and RHODES. Mr. INGERSOLL in the chair.

The first witness who was examined was *Smith M. Weed*, who, being duly sworn, testified as follows:

Examined by Mr. INGERSOLL:

Q. Where do you reside?

A. In Plattsburgh.

Q. How long have you been a resident of Plattsburgh?

A. About 40 years, sir.

Q. What is your occupation?

A. I am an attorney, and an iron manufacturer; dealer in iron ores; connected with persons that are dealing in those articles.

Q. You own some property up there?

A. At Plattsburgh, in the village, yes, sir; there is considerable real estate held by me in Plattsburgh village.

Q. And in that section of the country about there?

A. Yes, sir.

Q. What does this consist of mainly?

A. At Plattsburgh, ordinary village property; I am interested in a corporation that owns a large wood and iron tract.

Q. Where is that located?

A. In the western portion of Clinton county, and in the eastern portion of Franklin county; it is what we call the Chateaugay region.

Q. How far is that from Plattsburgh village?

A. About 30 or 40 miles.

Q. North?

A. West.

Q. But your residence is in Plattsburgh?

A. My residence is in Plattsburgh.

Q. You of course know about this Plattsburgh and Dannemora railroad?

A. I do, sir.

Q. That was owned by the State?

A. Built by the State, yes, sir.

Q. What direction does that road run from Plattsburgh?

A. Its general direction is westerly; running from Plattsburgh it runs a trifle south of west.

Q. This railroad, as I understand it, runs in the direction of this ore bed?

A. General direction, yes, sir.

Q. About what is the length of the Dannemora road?

A. The Dannemora road, as I recollect it, was about 17 and $\frac{1}{10}$ miles in length.

Q. How far is this western terminus then from those ore beds?

A. In a direct line — there are two ranges of mountains between — in a direct line not more than 10 or 12 miles, in a westerly direction from Dannemora.

Q. Do I understand that there is any ore bed on the line of this road?

A. At the prison; the Clinton prison is located over an ore bed; what the prisoners did was raising ore, and making iron within the prison limits; then there is more on the line of the extension, but none that are considered of value, or that are worked.

Q. Is there a railroad running from the terminus of this Dannemora road to this ore bed?

A. Yes, sir; one built since this lease was executed.

Q. How long since this road has been built?

A. It is just in a state of completion now; we have been running trains over it, possibly, from three to four weeks.

Q. This Dannemora railroad, of course, was not chartered; that is there was a special act passed for the building of this road?

A. It needed no charter; there was an act passed authorizing the superintendent of prisons to construct the road and run it.

Q. You know about this act?

A. I don't, all about it.

Q. You know when it was passed?

A. Yes, sir; the legislature of '78 passed it.

Q. You know what the act is?

A. Yes, sir.

Q. Did you see it before it was introduced?

A. I don't think I did; I talked about it a great deal before it was introduced, but I don't think I saw the bill itself.

Q. But you had conversation in regard to it with different individuals?

A. Yes, sir; I guess everybody in Plattsburgh did.

Q. Did you know its provisions?

A. I did indeed; I appeared before the State prison committee, and I think before the committee of ways and means of the house, and argued the provisions of it.

Q. Then you were here in Albany at the time of the passage of the act?

A. I was not, sir; I was here before the committee when they reported it, and my impressions are that I went before a senate committee.

Q. Can you tell who drew the bill?

A. I don't think it was the work of any one person; I think Mr. Mooers had the most to do with it of any one person, and I think Mr. ——— of Plattsburgh had something to do with it.

Q. Did you suggest the provisions in it?

A. I suggested some things with reference to it; I don't remember as I suggested any provisions in it; we were all very much interested in it, and I especially so; it was soon after an election, and before that election a serious question discussed was, whether the Clinton prison was to be removed, and being a candidate in that election, I came out with a card favoring a railroad, and Mr. Mooers came out I think, being on the other side, a few days before me, and the other gentleman came out also with a card.

Q. You were in favor of building this road?

A. I was.

Q. You thought it would be a good thing?

A. I thought it would be a good thing for the State, and think so now, and I knew it would be a good thing for Clinton county; it was a campaign issue in that county, and I being a candidate for the senate, I naturally had to talk more about it than I otherwise would.

Q. And you not only advocated it as a campaign document, but as I understand it, because you thought it to be a good thing for the county and for the State?

A. I did, sir.

Q. Thought the road would increase the value of the State property; that is, make it more valuable to the State?

A. I thought the road would make that prison valuable; at that time it was impossible to let the prison labor on any terms at that prison, and I think the superintendent of prisons himself intended to remove the prison; we thought it would have to be removed, and as a resident of Clinton county, I thought it should not be removed,

and I believed a railroad to it would make the labor of the prisoners there as valuable as any other prison in the State, and so stated in the card and on the stump.

Q. You were not present in the assembly when the bill was passed?

A. I was present before committees and went away. I was present one time when they had it up before the assembly, and the only question then discussed was whether the convicts should be employed in building it. There was some gentleman from Chemung attacked it; and Mr. from New York attacked it. That was before the committee of the whole. That was the only time that I was present in the house when any discussion was had upon it.

Q. That was not at the time of its final passage?

A. No, sir.

Q. Do you know how long after that the passage was?

A. Oh! a week or two.

Mr. MOOERS — A month?

The WITNESS — Well, maybe a month. I have an office in New York, and I picked up a paper and saw it was defeated by one vote and afterward reconsidered.

Q. You think that was about a month after you were here in Albany?

A. I think a week or two. Mr. Mooers thinks a month.

Q. But the bill finally passed?

A. Reconsidered and passed, then went to the senate and passed there.

Q. Do you know how long after the bill passed the assembly before it passed the senate?

A. I do not, sir.

Q. Do you remember what time in the session the bill passed the assembly?

Q. I do not, sir; my impression is that it passed both houses rather early.

Mr. MOOERS — April 19th?

The WITNESS — That was the signature of the governor.

By Mr. INGERSOLL.

Q. Can you tell how long after it passed both houses before it was signed by the governor?

A. I can't, sir; I do not know any thing about when it was signed.

Q. Then it must have been sometime in March, at least, when you were here before the committee?

A. If Mr. Mooers is correct it must have been the fore part of March. My recollection is it was early in the session, yet I have nothing to base my opinion upon, except general recollection.

Mr. MOOERS — It was defeated on the twenty-eighth day of March, lacking one vote; it received sixty-four votes?

The WITNESS — That must have been soon after I was here.

By Mr. HAYES:

Q. You went away and it was passed immediately after you went away?

A. It went to a third reading before I left the house.

Q. You don't know how long it was after it passed both houses before the governor signed it?

A. I do not, sir.

Q. Did you have any thing to do with the signing of the bill?

A. I did not, sir, in any form, to my recollection. I know I did not see him, and don't think I had any sort of connection with him.

Q. Did you have any anxiety on that account, about the governor's not signing it?

A. No, sir. I don't know as I can tell you any reason, and yet I don't know but I can, too. In the discussion before the house, as I told you, the discussion was entirely upon the subject of convict labor, and the contract system, as it was called, was severely assailed, and a good deal of feeling got up, and Governor Robinson was assailed, and Mr. Pilsbury was assailed, and in some shape, Governor Robinson's opinion on that subject came out in the papers, and I think Mr. Hayes made quite a speech, and in that discussion, the governor's opinion was either mentioned or came out in the papers.

Q. But you had no discussion with the governor either before or after the passage of the bill, in relation to it.

A. Neither before or after, sir.

Mr. HAYES — As I remember it, the only question that was raised before the house at that time, by the opposition to the bill, was as to the employment of convict labor, as Mr. Weed has said. That was the question raised at that time.

The WITNESS — That was the only question that was discussed. The bill, as then printed, provided that the superintendent of prisons might employ convict labor in building this road, and some of the members thought that was encroaching upon the matter of labor. That was the only discussion that was had as I recollect it, and that was an entirely unexpected one as I know.

By Mr. INGERSOLL:

Q. As soon as this bill was passed, work was commenced on the road?

A. I only speak from observation. Mr. Pilsbury put the engineers upon it in the spring, by some sort of competitive bidding. I don't know what. The work was let, and work was begun on it.

Q. Do you know what time they began running the road?

A. Some time in the fall following. I never saw the contract, but I believe the contract was, that they were to complete the road by the first of October.

Q. But you think they began running it, about in December, 1878?

A. Somewhere along in December. Mr. Pilsbury can tell you better about that than I can.

By Mr. HAYES:

Q. It is a narrow gauge road?

A. Three foot gauge, sir.

Q. And since that, it has been leased?

A. Yes, sir; in the following May.

Q. You knew something about the leasing of the road?

A. Yes, sir.

Q. Did you know something about the leasing of the road before it was finally leased?

A. Yes, sir.

Q. When did you first know about the attempted leasing of the road?

A. The lease was talked about between us -- that is, I say, between those interested in the Chateaugay lands along in March, I think. March and April prior to the leasing. Mr. Dickson told you yesterday, that along about that time the proprietors of the Chateaugay Iron Works made a loan from him, he acting as trustee of the money.

Q. Did you have something to do yourself with procuring the lease?

A. No, sir; not directly.

By Mr. HAYES:

Q. Indirectly.

A. Indirectly, I suppose I did. Mr. Smith, who went to Mr. Pilsbury, was a partner of mine in the iron business, and Mr. Williams was a partner of mine in the iron business; and Mr. Dickson was interested with me in the iron business.

Q. Mr. Dickson or the road?

A. Mr. Dickson. The road had nothing to do with it, the Delaware and Hudson road.

Q. You were interested in the works?

A. Yes, sir; as a stockholder, I am interested in two companies, the Chateaugay Ore Bed and the Chateaugay Iron Company owning the works, as a stockholder.

Q. And in fact, it is virtually Smith M. Weed & Co.

A. No, sir; it was generally known as Andrew Williams & Co. When Mr. Dickson made the loan, we gave him the option to own one-half the stock in both companies.

Q. At the time of the lease you were a stockholder in the Chateaugay Railroad Company and the Iron Company?

A. Yes, sir.

Q. But did you have any thing to do yourself with procuring the lease?

A. I talked with Mr. Pilsbury about it at different times casually; if you desire, I will explain my position exactly, upon that question of the lease. It was originally understood and talked, as I recollect it, before the ways and means committee and the prison committee, that if the State could not run the road they would lease it, and I supposed at that time that the Delaware and Hudson would take it and use it as a feeder to their road. I think I said so to the committee of ways and means. At that time we had no thoughts, I know I did not myself, and I don't think Mr. Williams had the remotest idea of extending the road. If you will let me take the map I will show you how it is.

The witness here explained the map as follows:

That being Dannemora where my pencil is, there is a mountain range right over here, you see, and then there is a mountain range here, and a lake between the two ranges. A portion of the road swings away around here, to get around that spur, and then in there between the two mountains and then upon that side. Our iron ore bed was just 17 miles from the Chateaugay station on the Ogdensburg road, and then just 17 miles from Dannemora station. We (Mr. Williams and myself) always thought, if we built, we would build a road direct to Chateaugay station, a very feasible route. It is 17 miles in a direct line from our works, and they are 10 miles from the ore bed, and that is 7 miles from Chateaugay station. Upon the question of feasibility, our dam at Belmont raises the water clear back here, covering both those lakes, showing that it is a dead level. It sets the water back 14 or 15 miles, and that is through a settled country, and perfectly easily built.

By Mr. HALE:

Q. How far is that dam from the ore bed?

A. Six miles and a half, and we always contemplated, until we gave it up, by reason of the letter which was read last night by Mr. Dickson, we always contemplated going that way from the mines, and a road there would put us within 90 miles of Ogdensburg, and most of our ore goes to the markets of the west, and that would be a direct connection for those markets.

By Mr. HAYES:

Q. What is your ore?

A. Magnetic iron ore.

That being the *status* we had no reason to wish for the Dannemora road, but being a resident of Plattsburgh, and Mr. Williams also, like all the other people of Plattsburgh, this road was advocated, and at a public meeting we got a subscription to get the right of way for the State road. Everybody was interested in it, and all

the people of Plattsburgh would have come here before the committee.

Q. You own some of this land?

A. Yes, sir, a good deal of it.

Q. And some in the neighborhood of the property?

A. Not a dollar, sir.

By Mr. HAYES:

Q. This region over here [showing witness the map], is this like the rest?

A. If you go down to the level of those lakes it is good land — farming country. The Saranac river runs along that road. South of the Saranac river is a pine barren; north is good land. The State road runs from Plattsburgh to Dannemora, through a pine barren, without crossing but one farm that is worth \$20 an acre. I don't think there is an acre of the ground between Plattsburgh and Dannemora, except that one farm, that could be sold for \$5 an acre.

Q. Your dam is where?

A. At Belmont.

Q. How do you get your stuff out?

A. We have a plank road direct from the iron works to Plattsburgh, and all our iron goes that way. The ore from the beds is transported to the works by this. That road simply runs out the chunk ore that we ship to the market, while if it went that way, it would take the iron to the village, and thence to the river. That all has to go on teams, as though there was no road built.

By Mr. CHICKERING:

Q. I should think you would have preferred to build the road this other way?

A. Yes, sir, but we were not able to.

Q. That region [indicating on the map], you have flooded?

A. Yes, sir. Calvin T. Hurlburt was a director of the Ogdensburg road, and William T. Averill was the president. Mr. Williams and myself had been laboring with these people to build a branch up about six miles to the iron works, and in 1879, last spring, we talked about building one up. They had several meetings, and we had made a contract with Mr. Dickson to go one way or the other, and leaving it to him to say which way it should be. The quickest way is to call your attention to the terms of the contract itself, which I have here with me.

By Mr. HAYES:

Q. How would Mr. Dickson, as a representative of his road, have an interest in getting out to the Ogdensburg road?

A. He would not have any interest in it, and though he was anxious that we should make some traffic with the State to take that road and continue it on to the iron mines, Mr. Williams and myself were so anxious to get the money and improve the property, that we made an agreement with Mr. Dickson, dated February 28th, 1879, in which the following clause occurs:

"*First* — In the building, as hereinafter provided, of a railroad from some point or points on the mortgaged premises, to connect with the Plattsburgh and Dannemora railroad so called, or in case said Dickson, trustee aforesaid, shall hereafter consent thereto in writing, then, and in such case, in the construction of a railroad from some point near the iron ore mines on said premises, to connect with the Ogdensburg and Lake Champlain railroad by way of Belmont."

We went to work, and finally got the consent in writing from Mr. Dickson, which he read last night, that if the Ogdensburg road would do certain things he would consent to go that way. I had explained to him, and so had Mr. Williams, that it would cost less, and at last he signed a paper, and it is here in evidence.

By Mr. INGERSOLL:

Q. You did consent on the 28th day of February in writing with Mr. Dickson, that you would go by way of Plattsburg, that you would build a road from some point on the ore mine to some point on the Dannemora and Plattsburgh railroad.

A. Yes, sir; unless he was afterward convinced that it was better to go the other way, and afterward we did perfect it.

Q. That was before the lease?

A. Yes, sir; afterward, on the 21st day of April, he did consent to go the other way, if the Ogdensburg people would do certain things.

By Mr. CHICKERING:

Q. Which they failed to do?

A. Mr. Averill's letter shows why they failed, and the time was so short, and we had so much ore to deliver, that he insisted on our taking the lease and going on with the work; one of the charges made here was that I was scheming all the time to get this road; I would like to read a letter of mine to Calvin T. Hurlburt; my sentiments here are just the same as those of Mr. Williams; this letter was written from New York, April 2d, 1879.

HON. C. T. HURLBURT, *Brasher Falls*.

My DEAR SIR — Your favor of yesterday is at hand. Mr. A. went east on Monday night, and said to Mr. Williams that there was to be a meeting in Boston yesterday, in regard to this matter.

I have no earthly doubt but that Mr. H. has acted in good faith

all a man could have done to bring the matter around satisfactory, and I have no doubt but that it has been blocked somewhere, and I know you have not blocked it. Who has, I do not know, and if it stays blocked until after we get committed the other way, I do not care who did it.

I have fixed it so that nothing will be done about the matter until after Tuesday next, and hope and trust that it can be arranged so that the road can be built your way, although I have little faith that it will be done.

I notice what you are pleased to say about my kindness and endeavors in the matter. I am not entitled to any thanks whatever in reference to it. All there is of it is, that I think the connection with your road will best serve our interests, and I know it is of interest to you, and because it is best for us, in my judgment, I shall continue to try my best to get the road that way if we can on living terms.

If it cannot be done, either from an honest opinion on the part of your people that is not the thing to do, or because some one who has a spite to serve, it is all one in its effect upon us. So far as I am personally concerned, I have no personal feeling on the subject at all, and shall have none. If your people won't let us do you a good turn, we will try and do the next concern a good term.

I will call attention to, and find out about, the other matter you write about, soon.

Yours very truly, in haste,
SMITH M. WEED.

That is an exact copy of the letter I wrote to Mr. Hurlburt. I continued these negotiations vigorously with Mr. Averill, Mr. Hungerford, Mr. Calvin T. Hurlburt, Mr. C. M. Felton, one of the directors of the Pennsylvania Steel Co., Mr. Thompson, of Boston, and others. Sometime on the eighth day of May, as Mr. Averill writes, their board failed to fix the matter, and they were to have no other meeting until the nineteenth day of June, and then there was no telling which party, the Averill or the other party, would get the election and therefore Mr. Dickson insisted on it, and we agreed to build the road here.

By Mr. INGERSOLL:

Q. And when did you agree to build the road this way?

A. After the eighth day of May; after I got the telegram referred to here. Here is a letter I wrote Mr. Hungerford; I would like to have it in evidence, but I don't care to read it to you if it is not necessary.

Mr. INGERSOLL — You had better read it for the information of the committee.

[The witness then read the letter as follows. The comments of the witness as he read are placed in brackets]:

PLATTSBURGH, *April 26th*, 1879.

W. W. HUNGERFORD, Esq., Ogdensburg, N. Y.

My DEAR SIR — [I am inclined to think it is Sunday, too.] Yours at hand to-night. As you are aware, and as I have urged upon Mr. Averill and all of your people, Mr. Dickson favors the other route, and the continual hanging back of your people gives color to Mr. D's. claim, that you don't mean to do any thing; and while I agree with you that could a good committee of your board meet Mr. Dickson and ourselves next week, we could agree upon a plan that would be satisfactory to us all, I still fear that Mr. D. will insist upon our determining next week, which means going the other way, unless some of you meet us in New York next week. We urged Dickson to hold it open until the eighth, [eighth of April, not of May,] as your people were to have a meeting in N. Y. on this question. He consented. You held no meeting, but it was adjourned in Boston until the twenty-second. I urged D. to be in New York then and meet you. I learned you were to hold no meeting there. I saw Mr. Averill and talked the matter up with him fully; told him that Mr. D. said he would not pay more than fifty cents to Rouses Point and Mooers, and Mr. A. wanted me to have it put on paper. I did so, by getting Mr. Dickson to write Mr. Averill a proposition that I esteem a very liberal one. And now if there is any way under heaven to get your people so they can act next week by Thursday or Friday, I think we can get them, *i. e.*, Dickson and Averill together. I wrote Mr. A. very fully my views to-day, and sent it up by him. He evidently thinks there is no danger of our going the other way, while I, on the contrary, see an imminent danger. If I hear on Monday that the matter must be kept open until May 7th, then before that day the road this way will be let. Mr. W. wrote Felton and Thompson as suggested, and they evidently stirred up Mr. A., but I do not see how we can urge them to attend the meeting in May, when we do not know but that that day will be too late. I cannot see why you, who I know understand this matter and its importance to your company, cannot punch them up, and get them, or some of them, to meet you and Mr. Averill in New York the last of next week, or rather as early in the week as possible, and we will be there and end it one way or the other. I cannot go through with your letter and discuss the several propositions that it contains now, but simply write to say that I do not know a road in the United States that would not build a branch like this for such a tonnage, and agree to carry it at one cent per ton per mile; while here we build the road and you simply iron and operate it, and you want more than that. I have written Mr. A. that as far as W. and myself are concerned, we would agree to the rate of one cent per ton per mile, from any point on the branch east or west,

which amount would cover the use of docks at Rouses Point, and shipping ore and iron as stated in your letter; the branch being called seventeen miles whenever the shipment comes from on it, and that we thought we could get Mr. Dickson into it. It would be 50 cts. to Mooers, 62 to Rouses Point, and 90 to Ogdensburg. The branches at the mine will not probably be built for years; it was only to cover a future contingency. I should not be at all surprised to see the tonnage from our mine 200,000 tons during the second year, and all of that that went west would go in empty cars that were moving west. As to use of track between Belmont and the mine, I don't think that there will be any trouble in coming to an arrangement, for if we had the and ran the train, it would be absolutely under your orders, and it would save an infinite amount of trouble and accounts to let us run it ourselves, and I do not see the danger, if it be run under your orders, the same in all respects as though it were your train. But as you see, between the mine, our separators, a blast furnace, and the iron works at Belmont, there would be a great deal of short handling that would be very troublesome to keep an account of. But as I said, that can be fixed, and the most important thing is time. If you can gather them together, I think we can trade. Communicate with me on receipt of this by wire.

Yours truly,
SMITH M. WEED.

They put us off after that until the 19th of June. We saw we could not do any thing at all, and Mr. Williams and myself gave way. My proposition to the Ogdensburg road was, to build the road ourselves, free and clear, and they simply to put the iron on and run it, and we were to pay them more than the Delaware and Hudson Canal Company asked, and they would not do it.

Q. That was the terms on which you wanted to build the road that way?

A. Yes, sir; on the 7th or 8th of May we gave it up, and our company was organized and we went the other way. Mr. Dickson had been corresponding all the time with Mr. Pilsbury, feeling all the time that the Ogdensburg people would not do it; he had been corresponding with Mr. Pilsbury and finding on what terms we could get that road.

Q. How much would it have cost by way of Chateaugay?

A. \$50,000.

Q. How much the other way?

A. It has cost us already, \$225,000; Mr. Williams can tell you better about that.

Q. I understand you gave up the thought of going any other way on the 8th of May, and determined to go by way of Dannemora on the 8th?

A. Yes, sir.

Q. When did you first commence negotiations with reference to leasing this Plattsburgh and Dannemora road?

A. Mr. Dickson had been negotiating before that.

Q. Yes, but when had you had any conversation?

A. Mr. Pilsbury had spoken before that; I think in the month of March, and asked if our road would not take that road and go on.

Q. I wish to understand if you say that you yourself had any conversation with any one in any official way with reference to leasing that road?

A. I wasn't an officer to the company.

Q. Was you not an officer of the Chateaugay company at the time?

A. I was a director and stockholder in all the companies.

Q. And your conversation that you had with Mr. Pilsbury and others would be considered to be official talk?

A. I never talked with Mr. Pilsbury at all; he asked in my presence if our people would not take the road and run it.

Q. If you had said you would, you would have talked about the lease?

A. Yes, sir; I was anxious to go the other way, and therefore I didn't say any thing to him.

Q. Mr. Dickson wanted to go this way and did have negotiations with him?

A. Yes, sir; he thought the Ogdensburg road would not build the road, but I thought they would.

Q. When prior to the 8th of May did you first talk about the leasing of this road with Mr. Dickson?

A. Along in the last of April or first of May; I know he was talking about getting up a lease, saying that the other people would never come to time, and never do any thing and we might as well be preparing to come this way, and had conversation with Mr. Pilsbury on the subject; I don't think I ever saw those letters.

Q. Do you say that you never had any desire to lease this road before that in your conversation with Mr. Pilsbury or others prior to the 8th of May; in your conversation with him you did not desire to come this way; you kept sort of throwing cold water on it?

A. No; I don't know that I did that; when I talked with Mr. Pilsbury before that, I would make no reply; left it an open question as it were; Mr. Pilsbury never knew I was corresponding with any one else; that is, I said, in the language of a celebrated gentleman, "I will see you later."

Q. When did you first have any conversation with Mr. Pilsbury about the leasing of this road?

A. I don't think after the 8th of May I ever saw Mr. Pilsbury until the lease was signed.

Q. Before the 8th?

A. Before that I saw him occasionally, and he would ask me if our folks would not take it.

Q. How long before; four months?

A. No, sir.

Q. Two months?

A. Oh, no, sir; I don't think it was as long as that; I was told by Mr. Dickson, I don't know what time, that he had got a letter from Mr. Pilsbury asking him to take it, and my recollection is that after that he asked us to take it.

Q. At that time wasn't there an appropriation for this road before it passed out of the hands of the State?

A. There was an appropriation in the supply bill of 1879.

Q. Didn't you know any thing about it before that?

A. I never saw it until it was printed.

Q. You had no knowledge that it was there?

A. Yes, sir; I had knowledge of it, and read the newspapers and knew what was going on.

Q. For what purpose was the appropriation asked?

A. There were two supply bills in '79, and along the fall of '78, Mr. Pilsbury said to me,—(I don't want to seem but it leads up to the subject I speak of.)—In the fall of '78, Mr. Pilsbury said to me, one day, at Plattsburgh, that it was evident from that bill, that he was expected by the State to run that road, and it could not be run without rolling stock; this was in the fall of '78, after the road had been let, and in the summer or fall it was to be completed.

Q. That is, the building of the road had been let?

A. The building of the road had been let and contracted for; he said to me it was evident that the legislature expected him to operate that road, and he wanted to know if there wasn't some way in which he could operate it; I told him there was; he might get manufacturers and have them put on cars, and he could run the road, and trust to the legislature to refund the money afterward, and if they were not paid, the property was to be theirs, and they should take it away; he asked me to write to them; I think I wrote to several different firms; Gilbert, Bush & Co., of Troy, answered that they would furnish what cars Mr. Pilsbury wanted, and the cars were to be theirs until paid for by the State, and if they refused to pay for them, Mr. Pilsbury was to take care of them, and they would be theirs; I said that Mr. Pilsbury wanted them to do it, and that there was no appropriation and no law passed, and that by doing it he could probably save a great deal to the State; some firms refused to do it; I wrote for prices, etc., but Gilbert, Bush & Co., and the Dickson Manufacturing Co., wrote that they would.

Q. What was the interval in which these negotiations were carried on?

A. It may have been from the middle of July to the middle of August; I cannot state exactly; after I got the papers and documents I sent them to Mr. Pilsbury, and he made the arrangements

with Gilbert, Bush & Co., and the Dickson Manufacturing Co., to put on the rolling stock, and keep it as theirs; to keep it carefully, and if the State did not pay for it, they were to take it back.

Q. Without fee or reward?

A. Without fee or reward; my impression is.

By Mr. HAYES:

Q. Were these contracts in writing?

A. I think the letters are in writing, but my impression is that Mr. Pilsbury went up to Troy and saw Gilbert, Bush & Co.

Q. As I understand it, Gilbert, Bush & Co. proposed to loan this stock and wait for an appropriation, and if they did not get the appropriation they were to get nothing for it?

A. They were to get the stock returned, and kept in good order.

Q. This was the proposition made to them through you?

A. Yes, sir; made by me saying for Mr. Pilsbury, "I desire to do so and so."

Q. Do you know for what this appropriation was made?

A. I know that from the supply bill, it was for the purpose of running the road.

Q. Do you know when it was made?

A. The 11th of March, 1879.

By Mr. PORTS:

Q. What was the amount of it?

A. The amount appropriated for the rolling stock was \$35,000, but how much of it was paid I don't know.

Q. Then there was an appropriation in the supply bill for about how much?

A. I don't remember; enough to make up with the original \$80,000 and the \$35,000, about \$168,000; somewhere from \$60,000 to \$70,000.

Q. About how long after the appropriation was made before the road was leased?

A. The appropriation for the rolling stock?

Q. How long after the appropriation was made by the legislature last year, before the lease was made; how long was this between the times according to your recollection?

A. The appropriation was made on the 11th of March, and the lease was made on the 20th of May; the supply bill you know was not signed until after the date of the lease.

Q. Do you remember about when the supply bill was signed?

A. I only say it from the law; I think it was signed the 20th day of May; I looked at the law this morning; that rolling stock was all delivered at Plattsburgh before the 1st of December, 1878.

Q. The supply bill that contained this appropriation was signed the 23d day of May?

A. That is my recollection of it.

Q. At the time of this appropriation, about that time, this lease was then, of course, contemplated?

A. It was signed.

Q. At the time the appropriation was asked for, and the act was passed, the lease had not been signed?

A. At the time the governor signed the act the lease had been signed, if the dates are correct.

Q. At the time the act was passed the lease was in contemplation?

A. I don't know, sir; there was no lease in contemplation, I guess, until after the passage of the supply bill in the house.

Q. Didn't I understand you to say that prior to the 8th of May, Mr. Dickson was in negotiation with the State?

A. Yes, sir.

Q. And you had some negotiations with other parties about this road and they put you off?

A. Yes, sir.

Q. And at that time there was an appropriation before the legislature; there was a supply bill before the legislature?

A. Yes, I suppose so.

Mr. MOOERS — The special act for rolling stock was passed early in the session.

By Mr. INGERSOLL:

Q. Do you know when this special act was signed by the governor?

A. Only from the date of it, sir; it is dated the 11th day of March.

Q. Then, as I understand it, the lease was made before the supply bill was signed by the governor?

A. I judge so from the dates.

Q. Do you know positively when the lease was approved by the governor?

A. I don't know any thing about it.

Q. On what day?

A. I don't know, sir.

Q. You don't know whether it was the same day; the 20th of May, or not?

A. I don't know; my impression is that it was very soon after.

Q. Now, wasn't this money, or rather, do you know if this money was not expended on the road after the lease was executed?

A. Every bit of that money, as I know from seeing, every bit of that money was expended before the first of January.

By Mr. Potts :

Q. January, 1879?

A. Yes, sir ; as I am informed, and I only speak from what comes under my sight, as I am informed, Mr. Pilsbury made the same arrangements with people about the building of the round house, and building the fence and graveling the road, and the signs for the crossings, that he did for the cars.

Q. He made that arrangement with whom?

A. With somebody, I don't know who, in the fall prior to the meeting of the legislature of 1879, and with the understanding with those people who did the work, that they should run the risk of getting an appropriation ; he would not bind the State or himself, but he would recommend an appropriation ; that under the date of March 11th was to be for the rolling-stock, and from the supply bill, was to be for the work that had been done the fall before, so that not a dollar of that work was done after the supply bill or after the hearing.

Q. If the appropriation had not been made, and if the supply bill had not been passed, the parties that agreed to do this with Mr. Pilsbury would never have had any thing out of it?

A. They would have had back the rolling-stock ; they agreed to take back the rolling-stock.

Q. Have they a good deal of confidence in the State in Plattsburgh?

A. Yes, sir ; some of the work was done by outsiders, though I don't know who ; some of the work was done at Rhinebeck, and some of the iron work was done in the city, and the locomotives made at Scranton, Pennsylvania, so that no money was expended after the time of the leasing of the road and the appropriation for rolling-stock.

Q. Isn't it a fact that this money was eventually expended on the road, because there had been no contracts made with any one.— wasn't it a fact that the work was done after the lease was signed and approved by the governor?

A. No, sir, because the bill was passed on the 11th day of March, and that was done before any negotiations of any kind were had ; the gravel and sand was put in under the contract of the fall before.

Q. And they never got their pay until May, because the supply bill was not signed until afterward?

A. I don't know when they got their pay ; I don't know as they ever got it.

Q. You don't know when the governor approved of the bill?

A. I don't know exactly the date, it was sometime about the 20th, I think.

By Mr. HAYES :

Will you please tell the committee who conducted the negotiations with Gilbert, Bush & Company?

A. I did, myself; I wrote to them and they wrote to me, and after the negotiations were made my impression is that Mr. Pilsbury took some master mechanic from here and went up there and told him how he wanted the cars trimmed, and all that.

Q. After the passage of the supply bill, did you have any conversation with the governor?

A. No, sir; not with a living soul; never spoke with anybody about it, either of that or the bill for the rolling-stock, either by word or by messenger or by letter; I had no interest in it.

By Mr. CHICKERING:

Q. You stated, if I remember correctly, that you dictated somewhat when this first bill was made?

Q. I suggested, more likely.

Q. Did you suggest that part of it that refers to leasing this road after it was built?

A. It is my recollection that I did not; I never thought of leasing it.

By Mr. POTTS:

Q. Did any of the money from that lease get into the hands of the officers of the Chateaugay railroad?

A. Not a dollar of it. One of the provisions was that the lease should not take effect until the first day of October. Mr. Williams did not want it to take effect until then, and Mr. Pilsbury did not. The State was running behind \$1,500 a month on it, and we have since that, nearly.

By Mr. INGERSOLL:

Q. Who are the stockholders of the Chateaugay railroad Company?

A. Mr. Williams, myself and Mr. Thomas Dickson, and there is a sort of traditional agreement that Mr. Dickson's party should own half the stock and interest; there is no other living soul.

By Mr. MOOERS:

Q. Have I any interest in it?

A. Not any interest in it, nor never knew of these negotiations with the Ogdensburg road.

By the CHAIRMAN:

Q. As Mr. Mooers has brought that matter up, you of course know Mr. Mooers? A. I have known him a great many years.

Q. You have done business more or less with him, I suppose, in a neighborly way?

A. He keeps a drug-store in Plattsburgh, and I get my drugs

from there. The *Tribune* says I am a partner of his in the drug business, but I never received a cent from it yet.

Q. You have no business relations together?

A. No, sir. Some thirteen years ago Mr. Mooers and I bought a piece of property together. He owns one-half and I own the other half. I have no other business transactions with him except that I buy my drugs at his drug-store; I mean, I never was interested with him to the extent of a dollar.

Q. Do you know whether Mr. Mooers has any interest in this Chateaugay Railroad Company?

A. He has not the first bit of interest in it and never had.

Q. Does he own any lands along the road?

A. No, sir; not to my knowledge.

By Mr. Potts:

Q. Is he interested in the mines?

A. No, sir, not in the mines; of late years, nobody has been interested in the mines except Williams and myself and Mr. Dickson and party.

Q. How long has the mines been operated and at work?

A. I began to work the mines in '67, and Mr. Williams bought into them in '73. For a time Mr. was a partner of ours in the mining business, but we put him out, and when we made the loan, we gave the option to Thomas Dickson and party to own a half of the stock.

Q. Soon after the 8th of May, you determined to build this railroad from the Chateaugay mines?

A. Soon after the 8th of May, yes, sir.

Q. If that road had been built, in your judgment do you think it would have made the Plattsburgh and Dannemora railroad a good investment, of itself?

A. If you ask if that extension would have added to its resources, I think it would; and let me say right here, that if the State of New York will take that extension (and we built it for cash) off our hands, and contract with us to carry ore for the same rate per ton per mile that the Ogdensburg railroad will, Mr. Williams and myself will donate to the State \$50,000.

By Mr. Potts:

Q. I understand you to say that you will turn over that road to the State?

A. No, sir, that we would not do, but we would be glad to turn over \$50,000 of it.

By Mr. Hayes:

Q. What was the conditions on which you would give the \$50,000?

A. We have not got it, but we would scratch around and pay it to you if you would take it off our hands — the extension.

Q. Does the road pay now, taking the Dannemora railroad and the extension together — the whole thing?

A. The two together would not pay the running expenses at a cent a ton per mile; Mr. Williams and myself own the mines, and practically own the road. If we charged one cent a ton per mile to the mines for transporting the ore over the road, the road would not pay a dime; if we charged twice that, it would.

Q. At what would be considered by railroad men fair rates for shipping?

A. At what the Delaware and Hudson charge, say, if we go to Plattsburgh, it would not pay the running expenses.

Q. In connection with the State business and all?

A. No, sir; the State business we do for nothing; one of the charges made is, that the enlargement bill was got by us; that was so; we worked for that, but by that bill we would have to carry the supplies for a thousand extra prisoners. I did work to get the enlargement bill signed, and though that bill was against the interests of the Chateaugay railroad; it was for the interests of Clinton county and against the interests of the Chateaugay Railroad Company.

By Mr. HALE:

Q. Because you have to carry the supplies for nothing?

A. We have to carry the supplies for a thousand men for a hundred years for nothing; a thousand more than we do now.

Q. What do you include in supplies?

A. Every thing that the State furnishes to the prisoners; coal and flour, and pork, and every thing, and wood from their wood lands; they own several acres of wood lands that we cut across one corner of, that you could not have sold for a dollar an acre before the road was opened, and I understand that they have sold considerable since the road was opened.

Q. How far do you say this road runs on the State lands?

A. Not but a very short distance; it cuts across the corner of it; it runs parallel with it for about three miles, and this road runs for about ten or eleven miles through the virgin forest.

Q. In your experience as a railroad man, was the expenditure for rolling-stock, etc., more than enough for that road?

A. No, sir, there was not enough; there were two engines and six box cars, and ten flat cars, and two passenger cars and two baggage cars; you see there is no equipment at all, of any moment.

By Mr. POTTER:

Q. I understood some of the gentlemen to say last night that there were three?

A. Sometime in the summer, as I am informed, Mr. Pilsbury

made arrangements for a little engine to run around — what they call a construction engine; two of the flat cars, before we got them, were smashed up.

Q. And this rolling stock was paid for by the bill that passed last winter?

A. So I understand; I never knew any thing about it; I guess the fence wasn't quite completed in that spring; it was completed before we took it.

Q. What was the capacity of that prison before enlargement?

A. About 500 souls.

Q. And there was a provision in this lease, between the State and your company — was there a provision in it about the rolling stock or not — about the road?

A. Yes, sir.

Q. And had it not been paid for by the State the company would have had a claim against the State?

A. I know it was paid for; before the lease was contemplated, as far as I know.

By the CHAIRMAN:

Q. There was this fencing that wasn't paid for?

A. Oh! no, sir, not as I know of; they couldn't have been.

Q. But you took them?

A. We had to; that was a part of the road; I suppose that the gravel on the track, the round house at Plattsburgh, the fences and the turn-tables were paid for after the lease was made, but they had been put in the fall before, and had been used by the State all winter.

By Mr. RHODES:

Q. You said the State was losing sixty-seven and a half dollars a day between the time the road was contracted for by Mr. Pilsbury, and the time the road was leased?

A. Yes, sir.

Q. Tell us how that was?

A. The superintendent of prisons, Mr. Pilsbury, made a contract with a hat company for twenty-five cents a day for the labor of those men in the prison, and when the road was built they were to pay forty cents a day, and that difference made \$67.50 a day on 150 men, and that \$67.50 a day Mr. Pilsbury was anxious to get, and he got it, and has had it ever since; one of the most onerous things to us is, that we bind ourselves to operate that road forever, one passenger train a day each way; suppose our ore mines should give out to morrow, it would swamp the company; take every bit of its capital and all.

By Mr. RHODES :

Q. It has been stated that this extension would be a benefit to the Dannemora road ; it would have been no benefit unless the production of the mine made it a benefit ?

A. It would not, without connection with our mine ; there is nothing but ore shipped over it.

Q. There is no freight or passenger traffic, or any thing else from that way ?

A. No, sir.

Q. How large is your place ?

A. A few years ago it was about 700 ; we have put up about 75 houses within the last four months ; I don't mean to say that any of you gentlemen would like to live in any of our houses.

By Mr. HAYES :

Q. I don't want to prolong the examination of Mr. Weed ; I suppose you have got through with him, but there is one point that I want to ask about ; the fencing on the road, the money that was expended in anticipation of an appropriation, and that was expended before the bill was signed by the governor, do you know any thing about that ?

A. I don't, except by hearsay ; I understand that Mr. Pilsbury made practically the same arrangement with the parties that put up the fence that he did for the cars ; they would put the fence up and trust to the legislature for their pay.

Q. The expense was incurred before the supply bill was passed ?

A. Yes, sir ; before the legislature met.

Q. What was the amount of the expenditure ?

Mr. MOOERS — There was 34 miles of fence on both sides.

By Mr. HAYES :

Q. The point that I arrived at was simply under what conditions anybody should make a pledge on behalf of the State for such payments ?

A. There was no pledge, as I understand it, in any shape or form ; there was none on the rolling stock that I know about ; I was careful to put it so that it was entirely a voluntary act on the part of the persons putting it on ; Mr. Pilsbury wanted me to write that he had no power to contract, and could do nothing himself, but he wanted to get the benefit of this contract for the State ; the \$67.50 a day.

Q. Did you make any arrangements with any of these parties about the fencing, etc. ?

A. No, sir.

By Mr. MOOERS :

Q. You stated that the building of this road was just as a sort of a campaign idea ; do you recollect who started that idea ?

A. I said, I think, that you Republicans first got it out.

Q. You was a candidate on the Democratic ticket that year?

A. I was.

Q. How long before election was you nominated?

A. About a week.

Q. And how long was I nominated before?

A. About six weeks.

Q. Had I come out in the papers with a letter?

A. You had, and Mr. Parsons, your opponent.

Q. Who first published the letter?

A. You did, I think; you had a letter out in the paper long before I was nominated, weeks before.

Q. The convicts had been idle then for a year or more?

A. That prison was idle for some time, and Mr. Pilsbury said to me, I think he did to others, that he intended to make a hospital of it, until it was removed.

By Mr. HALE:

Q. You have not said any thing about your opponent?

A. Mr. Rockwell, my opponent, carried the bill through the senate; I either went before the committee with him, or talked with some of the senators about it; I was for it, right up to the handle, myself.

Q. Under that contract you were bound to keep up the rolling stock, were you not, under the lease?

A. Yes, sir, I was; I have a little statement made here, predicated upon the cost of the rolling stock and superstructure; there is a mile of trestle work on the road.

[The witness here read the following statement:]

Yearly amount of depreciation on certain items of material and equipment.

| | Cost. | | Amount. |
|--------------------------------|-----------|--------|--------------|
| Locomotives | \$15, 000 | About. | \$885 00 |
| Passenger cars | 8, 600 | " | 620 00 |
| Freight cars | 7, 650 | " | 700 00 |
| Iron rails, say | 50, 000 | " | 6, 666 66 |
| Ties | 7, 000 | " | 1, 400 00 |
| Trestle work, 5,000 feet | 10, 000 | " | 2, 000 00 |
| Fencing..... | 15, 320 | " | 1, 900 00 |
| Total..... | ..... |  | \$14, 171 66 |

Besides general depreciation in grade, washouts, accidents, cost of keeping up track, depots, etc., making about a deficiency to the State on this property that we took, of about \$14,000 a year, as the ordinary expenses of the road. That is the annual depreciation on that property based upon the reports of twenty-nine different railroads. On condition that we have got to pay as much more for repairs, that road could not have been run by the State of New York, and could not have been run by us at less than a deficiency of \$2,000 per month, were it not for the traffic that our mines have put upon it. All that is saved to the State, and they get all the benefits that were originally intended from it.

Q. You stated a short time ago that you believed the road was a good thing for the State; will you tell the committee why?

A. In the first place you had spent a million dollars to build a prison; while the soil, as has been described to you, is not very productive, the Clinton prison is the best in the State of New York, in a humanitarian point of view; it is 1,700 feet above high water, and has good air; take men from Sing Sing that are scrawny and poor, and in six months they will be well and hearty; in six months, if you had not built the road, you would have had to have left the prison, for no man would take the contract to furnish supplies to the prison, because he could not afford to do it; now that prison has been brought to life, as it were, for the hats that are made there to-day are trimmed and in New York by to-morrow; you could not build a prison of so much capacity for seven, eight or nine hundred thousand dollars, and this you have got for \$200,000.

Q. Why would it cost so much more?

A. Because you have got every thing here, except the bare cells, and you would have to build them all elsewhere, and besides that, in having this prison enlarged, instead of a new one, you would have only one doctor, and not so many wardens or keepers to pay. I should say that the road will save the State of New York three or four thousand dollars a year for teaming supplies.

By Mr. CHICKERING:

Q. Supposing the State had run the road?

A. Then one hand would have washed the other. If we could not have made a satisfactory arrangement with one road or the other, we would have built to the one that we could have built the cheapest to, and we could have built down to Chateaugay for one-half as much money as we built this for. When we made the loan on the last day of February we agreed with Mr. Dickson—

Q. That you abandoned the 8th of May?

A. That is the time.

By Mr. HALE:

Q. Is there any profit to the company on the transportation of prisoners?

A. The State allows us to charge five cents a mile for all passengers; the superintendent of prisons compelled us in the lease never to charge more than five cents a mile. It didn't affect the State any, for the sheriff gets pay for the prisoners—his mileage—so much for taking them over. Every thing that the State had an interest in it has an interest in yet.

Q. And you have to carry for nothing, the State officials and the supplies?

A. Yes, sir, the State officials and the supplies; the sheriff gets his pay for bringing them over just the same; if it were not for that road the sheriff would have to pay \$3 or \$4, and as it is he pays 75 cents.

Q. What do you think about the giving up of the iron manufacture there, and taking up the manufacture of hats?

A. The manufacture of iron depended upon many contingencies; in the first place, the iron ore that they got there wasn't good for any thing; they made it into nails, and the nails were of inferior quality; my own belief is that prison labor can only be conducted satisfactorily upon things that do not require capital, such as the making of shoes and hats; they had prisoners strung all over the country, from there to Chazy lake.

Q. The charcoal that they made; where did they make it?

A. In the forest over back of Chazy lake; in this tract of land; this 10,000 acres.

Q. This iron ore is of inferior quality to that that you have, then?

A. Yes, sir; there are two ranges of mountains between them and us.

Andrew Williams was then called, and having been duly sworn testified as follows:

Q. Where do you reside?

A. Plattsburgh.

Q. How long have you resided at Plattsburgh?

A. About 29 years off and on, about 5 years continuously, and then I resided about the town and near by for the rest of the time; about 29 years.

Q. What is your occupation?

A. I am a manufacturer of iron. That is my principal occupation.

Q. Own considerable property in that section of country?

A. Yes, sir, some.

Q. And whereabouts, and what does it consist of?

A. The house and lot where I live, at Plattsburgh, and up the Saranac river I own two forges and all their appurtenances, with perhaps 10,000 acres of land, and an interest in forge property.

Q. How many forge fires do you run?

A. I think 35, sir, that I am interested in.

Q. They are located at different places?

A. Yes, sir.

By Mr. HAYES :

Q. Is the iron you use there all produced from that region : you don't import any iron from the Lake Superior mines?

A. No, sir. All the ore that we use at all the forges is all got from the Chateaugay ore bed.

Q. That is located at the terminus of this Chateaugay railroad?

A. Yes sir.

By the CHAIRMAN :

Q. You stated that you was engaged in the manufacture of iron, etc. Have you been engaged in public life in any way?

A. Yes, sir; I was representative in congress for four years.

Q. How long since?

A. From 1875 to 1879.

Q. In connection with this Dannemora railroad, you are acquainted with that of course, and its provisions, and all about it, from the time the act was passed, or rather, the road was being built, and all the way through, and what kind of a country it goes through and all that sort of thing?

A. Yes, sir, I know all about that.

Q. Perhaps it may be interesting to the committee and important, also, if you give the history of it, as you understand it?

A. As to the passage of the bill and the building of the road, I knew nothing about that; I was then in Washington, and only knew what I got from the reading of the papers. As to the country that it runs through, if it would be edifying to the committee, I would like to tell them something about that. Starting from Plattsburgh, the road runs across a sandy plain for about ten miles, then it strikes where there is a good many rocks, and land that would not pay for cultivating. There is some little land along, but nothing that you would call a farm. When you get to Dannemora there is the prison and the houses that were built there to hold the officers that are employed there.

By Mr. POTTS :

Q. Any village outside of that at Dannemora?

A. A little village, built up by the officers of the prison.

By Mr. RHODES :

Q. How large a village is it?

A. I think about four or five hundred men, women and children, exclusive of the prisoners. It was substantially all built in connection with the prison, the prison being built there.

Q. What connection do you hold with this road at the present time?

A. I am the treasurer of the road and a stockholder.

Q. This Chateaugay railroad, proper, runs where?

A. The Chateaugay railroad, proper, is from Dannemora to the Chateaugay ore bed, a distance of 17 miles by the railroad. It is not as far as that in a direct line. It is perhaps 11 miles in a direct line.

Q. And you are treasurer of the road?

A. Yes, sir. Perhaps I may as well say that I am a stockholder in the Chateaugay Ore Company and the Chateaugay Iron Company, and give my titles at once.

Q. You have heard the testimony of Mr. Weed here this afternoon?

A. Yes, sir.

Q. And did you take part in the negotiations with the Ogdensburg road?

A. Yes, sir.

Q. Knew all the details that he mentioned?

A. Yes, sir; and some that he did not mention: it was interviews that I had with Mr. Averill, the president of the Ogdensburg road, and with Mr. Hungerford, the general freight agent; Mr. Graves, and also Mr. Hurlburt, of Brasher Falls; and the president of the Pennsylvania Steel Company, and a gentleman in Boston.

Q. Were you ever in favor of the other route, as Mr. Weed was?

A. Yes, sir; I think I was. Perhaps more, for I was very much against this route, and very much in favor of the other route.

Q. You heard Mr. Dickson's testimony on that subject?

A. Yes, sir.

Q. And you knew of the transactions with Mr. Pilsbury?

A. Yes, sir.

Q. State what you knew, and your whole connection with it?

A. Mr. Dickson informed me that he had a proposition from Mr. Pilsbury, that the Delaware and Hudson Canal Company should take and run this road, which was a great expense to the State, and they wanted to get it off their hands. That was in February, 1879, I think. Mr. Dickson had said that he would not take it on any condition, for it would be only a bill of expense; and that as to its being a feeder, it was of no consequence, unless we would go on and build.

Q. At this time had this arrangement been entered into, for Mr. Dickson to take this mortgage from the Chateaugay Ore Company?

A. Not at the time of this communication. We had talked about a negotiation by which we could get money to build a road and improve our property, etc., but it had not been completed.

Q. You may go on and state your connection with the loan, and the conclusion of the transactions with Mr. Pilsbury?

A. After we had made the loan, Mr. Dickson wrote to Mr. Pilsbury to know upon what terms the new company, which he supposed we would have to organize — he wrote to know on what terms Mr. Pilsbury would lease the State road. What the correspondence was I don't know, but it finally resulted in Mr. Dickson's having a lease prepared which he thought was a proper one, containing the propositions and safeguards, which he thought it was proper to have in, and submitted that to Mr. Pilsbury. When he found that we could not make that arrangement with the Ogdensburg road, he gave me the lease and asked me to read it over and see what I thought of it, and I told him that not knowing much about railroading, I might not know much about it, but I looked it over, and suggested some provisions and changed others.

Q. Did you bring it to Albany?

A. I did.

Q. When you came to Albany with that lease who did you see here on behalf of the State?

A. On behalf of the State I met Mr. Pilsbury, and talked with him a little about it, and he said of course this had got to be approved by the comptroller and the governor, and I must talk with the governor and see what he thinks about it. I went to the comptroller's office and talked with him perhaps a half an hour about it, and he said "we propose to talk with the attorney-general about it," and I met Mr. Schoonmaker and talked with him about the proposed lease, and he suggested some alterations in it, and I think, one or two of the provisions which he suggested was incorporated in the lease. It was changed considerably, and finally rewritten.

Q. Wont't you state, as nearly as you can remember, your conversations with these officers, and the provisions which they proposed to change in it?

A. I presented as nearly as possible our provisions, and the advantage it would be to the State, and the burden we assumed in taking it, and that we had to have liberal terms, and they suggested some things which would be for the State's interest.

Q. State what they were?

A. One of the things that Mr. Olcott insisted on having in, and to which I did not object, was, that we should carry freight for the contractors to the prison at reasonable rates, and if at any time we charged unreasonable rates, the matter should be referred to the comptroller or superintendent of prisons, and they should decide what we should charge, but at no time should they pay less than it cost us.

Q. Was there any other provisions changed in the proposed lease?

A. Some minor ones; none of any importance that I can recollect.

Q. State the conversation that you had with Mr. Pilsbury?

A. I went over with him, pretty generally, the provisions of it, and told him the risks that we would have to take, and that we

would have to go on and spend so much money before it would be worth any thing to us.

Q. Was there any thing said about the time the lease was to take effect, and the property on the road?

A. Yes, we talked about the time the lease was to take effect, if it was completed. Mr. Pilsbury was anxious to get it off the hands of the State as soon as he could, and I preferred to put off the evil day as long as I could. I knew it would be a loss to us to run it up to the time we perfected our road and got some business, but we finally decided to make it the first of July, that year. We compromised on the time.

Q. What time was this negotiation taking place, between you and Mr. Pilsbury and Mr. Olcott?

A. Within a few days from the time the lease was executed.

Q. Do you think within a week, or two weeks?

A. Within a week of the time of the lease. I was very much opposed to it. When we found we could not make any thing of the Ogdensburg people, we thought we could not put it off another year, we must do something to get out.

Q. While you were here was the lease executed on behalf of the State?

A. No, sir.

Q. How long after you were here and where was it executed by Mr. Pilsbury?

A. It was executed here in Albany, but I can't say where.

Q. Who procured the signatures of the governor and comptroller?

A. Mr. Pilsbury, I suppose, I did not; I signed it in New York.

Q. When was that, with reference to the time the lease was executed?

Q. Within a few days of the time the will was executed; I think it was within a week afterward. My impression is now it was within three days afterward.

Q. To whom was the lease delivered after it was executed and approved by the State authorities?

A. I think it was delivered to Mr. Smith.

Q. What Smith?

A. William E. Smith.

Q. Where?

A. Here in Albany.

Q. Who is Mr. William E. Smith?

A. A lawyer in Plattsburgh.

Q. Was he authorized by the company to receive it from the State authorities and deliver it?

A. Yes, sir. I may say that Mr. Smith is secretary of our ore company and iron company, owning a share of stock simply to make him an officer of the company.

Q. You can't state the date of the approval of the lease?

A. No, sir.

Q. You would naturally think it was the same day that it was signed?

A. Yes, sir.

By Mr. CHICKERING:

Q. Do you recollect just the amount of the earnings of that road to the State of New York at the time it was operating it?

Q. Not perhaps the exact number of dollars. I got a statement from the superintendent of the road that it come within \$1,500 a month of paying expenses.

Q. Who was the superintendent at the time?

A. Mr. Barber.

Q. Did you ever have any talk with him about the earnings of the road?

A. Yes, sir.

Q. I have seen it stated somewhere that Mr. Barber said the road would pay for itself in four years?

A. He may have said that with reference to the increase of convict labor, but he never would under the existing condition of things on the road.

Q. Outside of the traffic that you get over this road at the present time from your ore bed, outside from that, what about the earnings of the road on the average?

A. Well, sir, I can't quite tell you without having the figures; outside of our own business it is very little; a few passengers over the road, but very few, and the amount of business that is done on the road outside of our road is very limited.

Q. Can't you put a figure that it won't exceed?

A. Not over four or five hundred dollars a month; that is the gross earnings; that is the whole road exclusive of our own business.

By Mr. HALE:

Q. In speaking of the earnings of this road, will you inform the committee whether your iron company or ore company did any thing to add to the benefits of the road before you leased it?

A. No, sir; I don't know as we did; oh! yes, of the ore; in the winter of '78 or the early part of '79, we had a quantity of ore hauled from the ore beds over the mountains, and across Chazy lake to Dannemora; I think that earned the road about \$1,100; I think there was about two thousand and odd tons of ore that we hauled over.

Q. Do you recollect at what cost you put that ore into Plattsburgh?

A. About fifteen cents per ton more than it would in the other way.

By Mr. HAYES:

Q. Please explain how people will do so much in the cause of philanthropy?

A. We had sold the ore and we were very anxious to get it down that road, and we could test the question then, whether we could carry our ore that way; we hauled the ore fifteen miles over the mountains.

By Mr. PORTS:

Q. And that cost fifteen cents more than it did to take it to Chateaugay?

A. Yes, sir.

Q. That was done before the lease?

A. Yes, sir; before the lease was thought of; that was one reason why I was opposed to the lease, because I had had experience, and knew what it was.

By Mr. HAYES:

Q. Then it comes down to the point that it is cheaper to export iron ore by mules than it is by rail?

A. That was before we built our extension, and before the road had become valuable.

Q. With the lease and the railroad, you think you can save money?

A. Yes, sir, I do; and then I want to call your attention to the fact that it would be utterly impossible to transport a great deal of ore by teams.

Q. How far do you suppose you could transport ore by teams, before the value of it was consumed?

A. I think we could not take it to Plattsburgh.

By the CHAIRMAN:

Q. In speaking about the earnings of this road, your company or railroad could not connect with this road all the way through. When was this Dannemora railroad completed and put into operation?

A. The latter part of December, 1878.

Q. When did your company lease it?

A. The lease was made the 20th day of May, 1879. We took possession the 1st day of July.

Q. When was the connection made with the extension?

A. About the last days of December.

Q. Then you had the operation of this road and the running of this road about 4 or 5 months?

A. About 5 months.

By Mr. HAYES:

Q. During what months was this 15 cents lost?

A. During January and February, about a year ago now.

Q. It comes down to a question of rather than transportation, according to your statement?

A. Yes, sir.

Q. What was the earnings of this road during the 5 months before the connection with the Chateaugay railroad was built. We would like to get at the earnings of this road during that time?

A. I can't give you that, because I didn't take the figures.

Q. Can you tell whether it run at a profit or a loss?

A. Yes, sir; I can tell you exactly the figures, for I kept a record up to the first of October. After allowing for all the building of our new road, and the transportation of men and materials and all that, it cost us about \$1,877 a month more than the earnings.

Q. After deducting the expenses of your extension, and getting down to the road proper, how much would be the loss a month?

A. About \$1,500. That only covered the actual expenses; the running and the firemen and other hands.

Q. This road had been completed only a few months?

A. Yes, sir.

Q. Won't a new road naturally run at a little greater expense. Can you take a new road and run it at as good a profit, make it a paying investment for a company, as well as you can after it has been run a while?

A. I don't know whether you could, if it was a new road. But in this case it was an exception, for there was not much to be got.

Q. In your judgment then, was it a foolish thing for the state to do, to build this road?

A. As a railroad, it would. Aside from the prison and the advantage which the State would get from the increased price of labor for the convicts, it would have been very foolish.

Q. How long ago was the road completed?

A. About a month ago.

Q. You can hardly tell then what the earnings of the road would be for carrying ore and other transportation?

A. We can tell what we hope to do. We hope to transport over that road some time two or three hundred thousand tons a year.

Q. How much would be the earnings on it?

A. At a cent a ton a mile, it would never pay us. That is all the Delaware & Hudson Company charges from Plattsburgh.

Q. Why can they do it on that road, and you can't?

A. Because we have to haul the cars up a 170 foot grade.

By Mr. HAYES:

Q. Taking the whole road, that is, your road and the other road, what is it worth a year?

A. I think the road won't pay, outside of expenses, over \$1,000.

Q. There are no other mines on the road?

A. No, sir; not that are worth working.

Q. The State has built the road for a certain purpose. It has a State prison. Now, that State prison has to have that road for the purpose of transporting supplies to the prisoners and manufacturers. It was necessary to have the road. Now, your purpose in getting it in your hands and in using this road and making a lease of it was simply to make a profit out of your mine and for your road, and to make a contract with the State, if I understand your position in the matter, by which they should not lose any more than they were losing already?

A. That is about the state of the case.

Q. Whether, in your judgment, is the State benefited from their relations with your iron works and your road; whether is it benefited with the connection between your road and theirs?

A. Yes, sir; I think it is benefited to the extent of about \$1,500 a month, which they were losing. They don't lose it now, and they get all the advantages that it would have had otherwise.

Q. Do you give the State all the advantages that the State would have had in any other way.

A. Yes, sir; I have never been able to discover any thing that the State have lost in any way, shape or form, and another thing, they have enabled us to take this road and operate it, when we could not have done it any other way.

Q. It makes this road, practically, private property?

Mr. WEED — It makes it a private corporation, with the State getting all the benefits which could be got from it, and they are thus relieved from all the charges.

Q. You make a contract with the State for a certain sum to lease this road. It costs the State for a barrel of flour, or whatever is used in that prison a certain amount, and I understand you that you carry this stuff over the road for nothing?

Mr. HALE — And the State is free from all claims for accidents?

Mr. WEED — Yes, sir; the second week that we had the road an engine was ditched, and the fireman injured, and an engine smashed up.

Mr. WILLIAMS — When the State was running the road, two cars got loose and run down the grade and off the track and smashed up.

By Mr. MOOERS:

Q. I understand from the papers that you tried to get congress into this great scheme?

A. As soon as the bill was introduced in the State, I introduced a bill in congress, granting the right of way across the land owned by the United States government at Plattsburgh, the same as I would have done for any road.

Q. Can you approach the village without it?

A. You cannot get into the village without it.

Q. The space is about how much?

A. About 16 acres I think.

Q. About 200 isn't it?

A. About 200 acres in length, and about 6 or 7 rods wide; that makes, I think, about 16 acres.

By Mr. WEED:

Q. I think you told me that Mr. Pilsbury sent a request to the government for this grant?

A. Well, yes, I did write to Mr. Pilsbury, and he did send such a paper; I may say that I didn't succeed in getting the bill passed; my successor, however, got it passed at the extra session last spring.

By the CHAIRMAN:

Q. When did you first propose this idea of leasing this road?

A. I always opposed it from the first, until this Champlain project fell through.

Q. When did you first hear of it; before April?

A. No, sir; I think not, and if I could have had my way, I never would have leased it.

By Mr. CHICKERING:

Q. When you did it, you didn't do it to benefit the State in any way?

A. No, sir; we did it because we thought it was the cheapest thing we could do, but since then I have thought it would be a great deal better to build the road ourselves to Chateaugay.

By the CHAIRMAN:

Q. The only point about it seems to be, that the building of the road, and the leasing of the road, and the organizing of the Chateaugay Railroad Co., all mixed in together, makes a hole that we can't see our way out of.

By Mr. POTTS:

Q. Mr. Weed, the point was made in one newspaper on the fact that the Chateaugay Railroad Co. was not organized before the time of the lease; now, can you, as a lawyer, find any way of organizing a company before you had your road?

A. No, sir; I can't any way before the 8th of May, because if we had gone to Chateaugay, it would have been a branch of the Ogdensburg road, if they had built it, and we would have needed no corporation, and if we had built from Belmont to Chateaugay, then it would have had to be determined on before we could organ-

ize a company, and just as soon after the 8th as possible, we organized the company; we did it just as soon as we found out that we could not get to the Ogdensburg road, for we found that we would have to act with celerity, to build that road before winter; it would have been money in our pockets if we could have begun our road the 28th of March, instead of May.

By the CHAIRMAN:

Q. Then the State would have been saved about \$2,000?

A. No, sir, not at all; that is just where the hole comes in. There was no provision made for this.

Q. I understand you exactly this way: that the rolling stock was paid for out of the money of the 12th of March, but all this fencing found in this lease, and the gravel that was on the road, was not paid for until that time?

A. I suppose not; but it was a fixture, and could not be taken out.

By Mr. HAYES:

Q. How much of the State's money was paid for the road or expended for the road and its rolling stock and fence, or whatever it may be, between the time that the comptroller and the governor of the State agreed to the lease and the approval thereof?

Mr. WILLIAMS—Not a dollar. We want all the light thrown on that that is possible, for we have no connection with it or interest in it.

By the CHAIRMAN:

Q. Was there any talk on your part, prior to March first, in relation to the leasing of the road?

A. No, sir; not one word.

Q. Not prior to March first?

A. No, sir; not prior to April first. I think the 15th of April was about the first negotiation that Mr. Dickson had, and I didn't have any thing to do with it until along in May.

Q. You being treasurer of the Chateaugay Railroad Company, had any of the property appropriated by the State come into your hands in any way, shape or manner?

A. No, sir.

Q. Had the parties interested in the Chateaugay railroad done any thing toward putting up the fences or any thing of that sort?

A. No, sir; we never received a cent, directly or indirectly.

By Mr. CHICKERING:

Q. I never supposed that the money that was appropriated last winter paid for all that rolling stock?

A. It did, and more. I think there is some now in the treasury.

Mr. MOOERS — There was \$18,000 of that appropriation that was never drawn out, and still remains in the treasury.

By Mr. POTTS :

Q. You are familiar with the country round about your mines and Dannemora; I understand that beyond Dannemora, in the direction in which the Chateaugay road runs, there is a large tract of wild land?

A. Yes, sir.

Q. Is it covered with valuable timber?

A. Yes, sir; there is a great deal of timber on it, quite valuable.

Q. Is the soil good for farming purposes?

A. No, sir; it is poor soil for farming.

Q. What is the character of the timber?

A. The timber is hard wood; beech, maple and spruce, mostly.

Q. And this road is on the natural route, I suppose?

A. It would be, when we got it.

Q. Well, it is about the only one?

A. No; for some lumber, some distance in, sells, and it could be put into the Chazy lake and floated into the Chazy river to the mills.

Q. After it is cleared away, wouldn't it make pretty good farming lands?

A. No, sir; not much of it, perhaps one acre in ten would be valuable.

Q. Are there any streams valuable for water power?

A. No, sir; there are a good many streams runs into these lakes, but none that will afford a water power until you get to the outlet of the lake.

Q. What is the extent of this unimproved land there in that region, the land that is unimproved and is now covered with timber?

A. I suppose we own there altogether about 50,000 acres; the State owns 10,000 acres that has been cut over, some of it, but not much; it is very well timbered, and beyond that is the Adirondack wilderness, but then we are hemmed in, because we run up against mountains that it would be very difficult to get around.

Q. And your extension runs to, or across the corner of the State lands?

A. It runs parallel to the State lands, but does not touch it, unless, perhaps, a little corner of it, and then runs parallel to the State lands about three miles.

Q. How far distant from it?

A. Perhaps in some places, quarter of a mile; and in some, half a mile; and in some, three-quarters of a mile, but not so but what the products can be got out.

By the CHAIRMAN :

Q. Knowing Mr. Mooers as you do, are you engaged in business with him ?

A. No, sir ; "not much."

Q. You buy your drugs of him ?

A. I do some ; I don't use much.

Q. Do you know, as an officer of this road, has Mr. Mooers any interest in the Chateaugay Railroad Co. ?

A. No, sir ; and never had.

Q. Own any stock in it ?

A. No, sir ; and never did.

Q. Does he own any of the land on the Chateaugay railroad.

A. No, sir ; I know who owns most of the lands there.

Q. Has Mr. Mooers indirectly got any interest in any lands or any property up there that may subsequently be for your interest in having this road built ?

A. Not to my knowledge.

By Mr. CHICKERING :

Q. You have no business relations with Mr. Mooers whatever ?

A. No, sir ; I don't know practically that I ever had any business with him to speak of, I don't think I ever bought five dollars' worth of drugs of him in my life.

Mr. Williams' testimony being concluded, on motion, the committee adjourned until Wednesday, February 4, 1880, at 4 P. M.

THIRD SESSION.

WEDNESDAY, *Feb. 4th*, 1880.

The committee met at the capitol, in the city of Albany, pursuant to adjournment, at 4 o'clock, P. M.

Mr. INGERSOLL in the chair.

Present — All the members of the committee.

William P. Mooers was then called, and being duly sworn, testified as follows :

By the CHAIRMAN :

Q. Where do you reside ?

A. Plattsburgh.

Q. How long have you lived at Plattsburgh ?

A. I was born there.

[At the suggestion of the chairman, Mr. RHODES then examined the witness.]

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By Mr. RHODES :

Q. You are acquainted with the Dannemora railroad ?

A. Yes, sir.

Q. Its location and length ?

A. Yes, sir.

Q. And the country through which it runs ?

A. Yes, sir.

Q. And also know the Chateaugay Railroad Company ?

A. I know of the company.

Q. Know some of the members of the company ?

A. Yes, sir.

Q. Know Smith Weed ?

A. Yes, sir.

Q. And Mr. Williams ?

A. Yes, sir.

Q. And you knew of the organization of the company, did you ?

A. No, sir, I did not know of it until after it was organized ?

Q. And the Chateaugay Railroad Company, as now extended, runs from when to where ?

A. From Dannemora to what is called the Chateaugay ore bed.

Q. The distance is how much ?

A. I understand eighteen miles.

By Mr. HAYES :

Q. When was the Chateaugay Iron Company founded ?

A. I don't know the date.

By Mr. CHICKERING :

Q. Quite a number of years ago ?

A. Some years ago ; I believe it has been organized four or five years.

By Mr. HAYES :

Q. The point I had in asking the question was to get at the length of time they had been trying to get their material out of their mines before the railroad was built ?

A. Mr. Williams has iron works over in Saranac, and the ore is of such a quality that he preferred to use it, and they built a plank road to the Chateaugay ore bed ; the Chateaugay Iron Company also owns a forge in Belmont, at the outlet of the lower Chateaugay lake, about ten miles from the mines.

By Mr. RHODES :

Q. And over that have been conducting business for some years ?

A. Yes, sir.

Q. You were cognizant of the bill that was introduced to build this road ?

A. I introduced the bill myself.

Q. And knew its provisions?

A. I knew its provisions.

Q. And were you in consultation with these gentlemen at that time in regard to this bill?

A. No, sir; not with those gentlemen any more than I was with a great many others.

Q. Were you in consultation with them at all; Mr. Mooers, Mr. Weed, and Mr. Williams?

A. I don't know; I think Williams was in congress, and I don't think I ever talked with Mr. Williams at all until about election time; the question was talked of a great deal about election time.

Q. The matter was made a subject of a political campaign, was it, prior to the time when the bill was introduced?

A. Yes, sir; the fall of '77.

Q. State how people treated it then in that campaign?

A. I was nominated, I think, either in the last of August or September, for the assembly, and in a few weeks after I was nominated I received a letter from a man living in the town of Dannemora, in my district, in which he asked me how I stood on what was known as the prison question. The manufacture of iron had been abandoned at Dannemora for over a year, and the convicts locked in their cells doing nothing, and the question of moving Clinton prison was agitated; not only there, but throughout the State; and I received a letter from one of my constituents as to how I stood and I wrote a reply to the letter which was published in our county papers at the time in which I referred to the building of a railroad to Dannemora prison. The objection to the prison was that it was off the thoroughfare, and it was impossible to do any labor there. I suggested the building of a road by convict labor, and if that could be brought about it would dispose of the question of removing the prison.

Q. Was that afterward made the subject of a political campaign?

A. Yes, sir; all the candidates fell in with it; Senator Rockland saw my letter and wrote one saying that he coincided with my views and would favor the project. The bill provides that the work was to be done by convict labor; the law of '78 provides for it; I re-wrote that bill probably half a dozen times, of course I consulted others in regard to it; I went to see Mr. Pilsbury with a rough draft of the bill with that provision of convict labor in it; he objected that it was not feasible; he made suggestions in his own handwriting, interlined it and embodied his suggestions in it; he assented to it with the exception of the provisions for employing convict labor; he thought that was not practicable; he thought the convicts would escape; he was afraid they would; it was a new thing and finally he gave way, provided I would leave it to his discretion whether to employ them or not.

By the CHAIRMAN :

Q. Did Mr. Pilsbury favor the building of the road, but not with convict labor ?

A. No, sir ; I don't believe he ever heard of it.

Q. It was built by convict labor ?

A. No, sir ; only a part of it ; in my judgment not a quarter of what ought to have been.

By Mr. HAYES :

Q. Why wasn't more of it done ?

A. Because they were so afraid, I suppose, that the convicts would escape that they kept them so close together that they could not work.

Q. You thought it was practicable for them to do that kind of work.

A. After I had written, I think it was, I saw in *Frank Leslie's Weekly* a cut of convicts being used in constructing railroads in the southern States ; I wrote to the superintendent of prisons of Louisiana in regard to it ; he wrote me that he regarded it as entire feasible ; it had been a perfect success with them, and, in fact, the year before he had worked 700 convicts 500 miles from the prison, and had only lost 17 men ; that letter was before the committee on ways and means, for the sake of showing the members how much interested I was ; I moved that the bill be given to the committee on ways and means ; it was reported to that committee and I think the committee reported unanimous in favor of it ; I think it was unanimous ; I knew nothing to the contrary.

Q. Was Mr. Weed or Mr. Williams present, in the assembly, at the time the bill was passed ?

A. No, sir.

Q. Were they present when the bill was considered in the committee ?

A. Mr. Weed was here when it was considered in the committee on ways and means ; he was on his way to New York, and was here when the bill was considered in the committee of the whole.

Q. Was he here any other time ?

A. No, sir ; only that Monday evening session.

Q. Was Mr. Dickson here any of the time ?

A. No, sir : I never knew Mr. Dickson until he was here — the other evening — I knew him by sight but I never had been introduced to him.

Q. Did you watch the construction of this Dannemora road ; do you know any thing about the building of it ?

A. I lived at Plattsburgh ; I didn't have any thing more to do with that.

Q. Through what kind of country does the road run ?

A. I think the first ten miles is a very barren country, it is a sand

waste; the first ten or twelve miles from Plattsburgh it runs through a pine plain with perhaps the exception of three-quarters of a mile.

Q. It is a very heavy grade?

A. Yes, sir; I suppose about 160 feet; Mr. Weed said, the other day, 170.

Q. What is the land after you have passed the sand waste?

A. It is covered with a second growth of timber.

Q. Rocky?

A. Yes, sir; stony and sandy.

Q. How is the country as regards population and furnishing business for the road?

A. Well, sir, I never supposed that a road from Plattsburgh to Dannemora would ever be a business road; I never advocated it for that reason.

Q. For what reason?

A. Because there is no business there.

Q. Is there a village there?

A. Yes, sir; there is a village at Dannemora.

By the CHAIRMAN:

Q. How large is Dannemora — the village.

A. Aside from the convicts and keepers, I should say there was perhaps three or four hundred inhabitants, perhaps five in the village of Dannemora.

Q. Is it an incorporated village?

A. No, sir; it has grown up out of Clinton prison.

By Mr. RHODES:

Q. Along the line of the road is it thickly settled or otherwise?

A. Very sparsely settled; there is a village called Cadyville.

Q. Is there any profit that would naturally come over that road from that country except what comes from those iron mines?

A. Very little; at Cadyville there is an iron works there, and I think they transport the iron from those works, but at present it does not amount to a great deal.

Q. When did you first hear of the leasing of this road or of the proposed leasing of the road?

A. I heard of the leasing of the road after it was leased?

Q. Did you know or was you cognizant of any negotiations for leasing it by the Chateaugay Railroad Company?

A. No, sir; I was not.

Q. Were you in any way interested in the Chateaugay Railroad Company?

A. No, sir.

Q. Were you in any way interested in the Chateaugay Iron Company?

A. No, sir.

Q. Do you own any land in that vicinity?

A. I own no land in that vicinity.

Q. Were you interested in any of the contracts for building the Dannemora road?

A. No, sir; not to the extent of one farthing.

Q. Were you interested in any of the contracts for building the Chateaugay road?

A. No, sir.

Q. Were you aware of the fact of these bills being introduced to equip the road and put it in running order; I don't remember whether they were appropriation bills or whether they were special acts?

A. I introduced the bill for the purchase of the rolling stock, I think it was the \$35,000, at the request of Mr. Pilsbury; the rolling stock was then on the road and had been there for some time, as I understand it, and this was to pay for it.

Q. It had not been paid for?

A. That was as I understood it.

Q. By whom was you informed of that fact?

A. Because I knew there was no appropriation for it.

Q. Did you know of the arrangement for getting it out of the road?

A. I knew what I heard from Mr. Pilsbury, and I think I had some conversation with Senator Braman on it; he was then a member of the house; I think some of the cars were built in Troy.

Q. Those were the cars that were built by Gilbert, Bush & Co?

A. I suppose so.

Q. Who informed you that the rolling stock had been put on in that way?

A. I saw it there; I was told that it was put on in that way.

Q. Did you know any thing about the arrangement before it was made?

A. I think so; I think I had heard something from Mr. Pilsbury.

Q. You knew nothing about the arrangement except what you had heard from them?

A. No, sir.

Q. Are you acquainted with the value of the rolling stock for a railroad?

A. No, sir.

Q. In your judgment as a citizen living in that vicinity, what should you think of the rolling stock that was put on to the road; was it in excess of what it ought to be?

A. I think not.

Q. You knew what they had there?

A. They had two engines, two freight cars and two passenger cars and two cars in which one end was partitioned off so that passengers could ride in one end of them.

Q. When did you first know of the rolling stock being put on the road.

A. I knew it when it came.

Q. When was that?

A. I think it was in the fall or winter before the road was ready to run, perhaps December, '78; I should say so.

Q. Did you know of this work when it was contracted for in building the road, of putting it in running order, ballasting it.

A. I had some talk with Mr. Pilsbury about building the road and I heard that he had hired somebody to build the fence; farmers and others living along the line of the road thought it ought to be fenced; I think that the legislature had not authorized the building of that fence and Mr. Pilsbury took the responsibility of it.

By Mr. HALE:

Q. You knew nothing about the building of the fences, you only knew that they were built?

A. That was all.

By Mr. CHICKERING:

Q. What was the appropriation in that last supply bill?

A. I think it was about \$72,000; about \$18,000 or \$20,000 were for operating expenses.

Q. When was this bill passed?

A. It was signed by the governor the 13th of May; there was in the supply bill about \$18,000 as my recollection serves me, which was appropriated for operating expenses.

By Mr. HAYES:

Q. Seventy-eight you mean?

A. Seventy-nine.

By Mr. CHICKERING:

Q. If I remember correctly some one testified at the last investigation that the supply bill was signed on the 23d of May.

A. It is a mistake, sir; I'm very sure it was signed on the 13th of May; I went and looked since and I think it was the 13th; I shouldn't have known it but Mr. Pilsbury called my attention to it.

Q. Did you know of the fact that the State was running the road at a loss?

A. I had heard so.

By Mr. POTTS:

Q. Did you know any thing about it from your own knowledge?

A. No, sir, nothing from my own knowledge.

By Mr. CHICKERING :

Q. You contemplated it in your bill, didn't you ?

A. I thought that the road was an adjunct of the Clinton prison, and the expenses of operating it would be in connection with the expenses of the prison.

Q. Did you know of the hat contract spoken of here that was to be increased if the road was put in operation ?

A. Yes, sir.

Q. What was that contract ?

A. Mr. Pilsbury was about making a contract for a certain number of men then at 25 cents a day. After I had introduced the bill and he had concluded to favor it, and it seemed to be a public thing, he then added a clause, as he informed me, that in case the road was built he was to receive 15 cents in addition per day per man, which amounted to about \$60 per day and over, and that was stated in the bill.

By the CHAIRMAN :

Q. That was before the passage of the bill ?

A. Yes, sir.

Q. After the bill was introduced ?

A. Yes, sir.

By Mr. POTTS :

Q. At the time of this introduction of the bill by you did you have any idea that the Chateaugay road would be built ?

A. No, sir.

Q. Did you have any conversation of that import with Smith Weed or any other person interested in the mines ?

A. No, sir.

Q. Did you know that they contemplated any such outlet to their mines ?

A. No, sir.

By Mr. HALE :

Q. Did you know that Mr. Weed and Mr. Williams, or any corporation formed in their interest, would lease the road, or have any thing to do with it ?

A. No, sir.

By Mr. CHICKERING :

Q. Could the eighteen miles of road as it now stands be extended and made profitable in any way ?

A. If it was extended to the St. Lawrence river, and could go by way of Malone, it would make Malone a competing point.

Q. How far is it from the Chateaugay ore bed to Malone ?

A. I should say about twenty-five or thirty miles.

Q. Any mountains or any such thing between there and Malone?

A. The mine is in the side of a mountain.

Q. Have you heard any talk that that road might be extended?

A. Yes, sir, I have within four months; the Malone people talked about it, themselves.

Q. And you think in that case it would be profitable?

A. No, I don't think so very profitable, except as to the products at the mines.

Q. As a matter of opinion, from your knowledge of this, in your opinion did Mr. Weed favor the bill with a view to leasing the road?

A. I don't think he did, so far as I know.

Q. There was a provision put in the bill for leasing the road, was that put in at the suggestion of Mr. Weed?

A. No, sir; that was put in in the committee of ways and means because some of the members of the legislature thought the State ought not to run a road.

By Mr. HAYES:

Q. Do you remember who put it in?

A. I don't remember any thing particularly about it, except that I heard that some members would object to the State running a road.

Q. Was it put in before the bill was introduced?

A. Yes, sir; when it was rewritten.

Q. When you put in the bill for the rolling stock did you expect it would be leased soon?

A. No, sir; I didn't know any thing about it.

Q. Did you when you put in the supply bill?

A. No, sir.

By Mr. HALE:

Q. How long after the supply bill was passed before it was signed by the governor? Do you remember that he kept it some time and vetoed a good many provisions in it?

A. Yes, sir; I know he did.

Mr. HALE — I would suggest to the chairman that by referring to the journal he can find when the bill was signed. My recollection of it is that he kept it a good while before he signed it.

[The journals of both houses, so far as they relate to the passage of the supply bill of 1879, were then put in evidence. See journals of 1879.]

By Mr. HALE:

Q. That \$18,000 for operating the road was only a small part of what was needed to run it?

A. That I don't know, for the road only run about six months in the hands of the State.

Q. Up to May 13, 1879, did you hear any thing about the leasing of this road?

A. I never heard any thing about the lease.

Q. Did you hear any thing about the lease at the time of this supply bill?

A. I heard in the ways and means committee that some one asked if the road couldn't be leased.

Q. Had you heard any one else speak about the leasing of the road except in the ways and means committee?

A. No, sir; I knew nothing about the negotiations at all. I heard from Mr. Wadsworth that the road was leased. He got it from Mr. Olcott.

Q. Did you know at the time of this appropriation for fencing, etc., that it was on the road at that time, that it was all completed?

A. I knew nothing about that whether it was completed or not. I had nothing to do with building the road.

By Mr. POTTS:

Q. I understood you to say that you came to Albany, or that you saw Mr. Pilsbury, and tried to induce him to favor the building of this road to the prison?

A. Yes, sir.

Q. Did you come to Albany to see him; did you see him here?

A. I never was introduced to Mr. Pilsbury until after the beginning of the session that year; it was sometime after the beginning of the session before I ever spoke about the bill.

Q. Did you have any talk with Governor Robinson about signing the bill?

A. No, sir; I was in the executive chamber when he signed it; I didn't see him sign it.

Q. You didn't have any talk with him then about it?

A. No, sir, I wanted to see Mr. Robinson before I went home, and I went and called on him and sent in my card, and the clerk in the outer office was gone I should think three or four minutes, and then said I could come in, and I said to him that there was a bill before him about the building of the Dannemora railroad, which I would like to have signed, and he said, "Mr. Mooers, I have not got any such bill; that bill is already signed, about a minute ago."

Q. Was the building of the road let to a contractor, or how was it built?

A. I presume it was; I never saw the contract.

Q. Do you know who was the contractor?

A. I know who was said to be the contractor — John O'Brien was said to be the contractor; I never saw the contract.

Q. Where does he live?

A. He lives at Rhinebeck.

Q. Do you know him?

A. Yes, sir, I got acquainted with him at the time of the building of the road.

By Mr. CHICKERING :

Q. Was there any thing said to you about your being implicated in this matter until it appeared in the *Tribune*?

A. No, sir.

Q. Nothing said in your district about it?

A. No, sir.

Q. You read it in the papers?

A. Yes, sir; I didn't speak of the *Tribune* then; I spoke of other papers.

By the CHAIRMAN :

Q. I understood you that you drew this act for the building of the road, and introduced it?

A. I didn't draw the whole of it, nor the first of it; I talked with a party who did draw it, and he carried out my views; I gave him my views in regard to it; I called on a party who could do it, I thought, better than I could.

By Mr. HAYES :

Q. Did this party who drew it have any interest in the road?

A. No more than I did.

Q. Was he a lawyer?

A. Yes, sir.

Q. Have you any interest on the line of the road at all by which you would be benefited?

A. No, sir; not to the extent of a dollar.

By the CHAIRMAN :

Q. Directly or indirectly?

A. Directly or indirectly.

By Mr. HAYES :

Q. May I ask you what was your motive in drawing and presenting the bill?

A. My motive was to have Dannemora prison remain as a State institution in my county.

Q. By that we understand that you mean that it was in the constituency ?

A. Yes, sir.

Q. Your constituents were a unit on it ?

A. Yes, sir.

By the CHAIRMAN :

Q. You believed it would be a good thing for Clinton county ?

A. I believed it then and I believe it now, because it would save the trouble of building a new prison and removing Clinton prison which is as good as any prison in the State.

Q. If the building of the road was a good thing, if it was a good thing for the State to build the road, why wasn't it a good thing for it to run it instead of giving it away ?

A. If I build a railroad for my own use and simply for my own business which will cost me ten or fifteen thousand dollars a year to operate it simply, if a party come along and say they will do all my business for nothing for the sake of running the road, if it will save me expense I think I had better do it.

By Mr. HALE :

Q. If a road runs through a farmer's property it might benefit his property and yet not be a good thing for him to run it ?

A. Yes, sir.

By Mr. RHODES :

Q. Was it a good thing for the State to lease the road ?

A. Well, sir, I can't say about that ; others know more about it than I do.

Q. Well, your constituency have helped the thing along and aided in it, and has it then, you think, ever been a good thing.

A. You had better get the opinion of railroad experts.

By Mr. HALE :

Q. Does this road under this lease accomplish just what you expected as much as it would if operated by the State and the State officers ?

A. Yes, sir, I think it does.

Q. And then it isn't exactly right to say, is it, that having foisted the road onto the State they have got rid of it by this lease ?

A. No, sir, if they get fifteen cents a day they have not got rid of it ; as I understand the supplies are transported free.

By the CHAIRMAN :

Q. If it would be a fair question and I think it would, speaking of the drawing of this bill, by whom was the idea first conceived.

Did you conceive the idea yourself of building the Dannemora railroad?

A. Yes, sir, I claim it, and don't like the idea of anybody's stealing my thunder.

Q. Did Parsons claim the same thing when he was running against you?

A. No, sir, he didn't; I advocated the building of the road and he opposed it in favor of the hard-fisted yeomanry of the Saranac valley. I wrote a letter which was published in our county paper on the subject of building the road. [Here witness referred to the paper.] This was on the 19th day of October, 1877.

By Mr. CHICKERING:

Q. I understood you to say that you had some one draw the bill for you?

A. Yes, sir.

Q. Who was he?

A. Judge Palmer was the man I talked with about it; I have had him draw several bills for me since I have been in the legislature; he drew a bill for me last winter which attracted a great deal of attention in the house.

Q. Does he reside here?

A. No, sir; in Plattsburgh.

Q. You knew of the provisions of this bill?

A. Yes, sir.

Q. Now in section four of this bill said superintendent is also authorized and empowered upon the completion, or partial completion, of this road to lease said road for a term of years, etc.; was this a section of your own, suggesting your own idea?

A. No, sir; I think not; I presume it was put in by somebody, but I don't know who; there was some objection from members of the legislature to the State running the road.

Q. Could the road have been let to any better advantage than it was?

A. That I am not prepared to answer; I can only give my opinion in regard to it.

By Mr. HALE:

Q. Perhaps it would be right to ask Mr. Mooers here if he has any opinion of any man to whom the road could have been let to better advantage?

A. As an individual myself, situated as I am, owning no property at the terminus, or that could be benefited by extending the road, and to take it just as it was, and to operate it from Dannemora to Plattsburgh, I would not take it and obligate myself to run it every day if you would put \$50,000 with it.

Q. And you were of the same opinion at the time of the introduction of this bill?

A. I didn't go so far as to contemplate the leasing of the road really ; that thing was in there to remove the objections of members of the legislature.

By the CHAIRMAN :

Q. Was it contemplated on your part at the time of the passage of the bill, and the building of the road that the road would be run at a loss, the road itself?

A. I thought, take it all and all—

By Mr. CHICKERING :

Q. The question is, the road independent of any thing else?

By the CHAIRMAN :

Q. Did you anticipate that the road at the time of the passage of the bill would be run at a loss?

A. I contemplated it as an adjunct to the prison.

Q. My meaning was, whether you contemplated at the time of the passage of the act, that the road would be outside of the prison?

A. No, sir; I did not.

Q. At the time this provision was put in the bill, did you make any suggestion of any man or company to whom it might be leased?

A. No, sir; it was put in to remove the objections of some members of the legislature, that thought it was not the right thing for the State to build or operate the road. It was put in to remove their objections.

Q. You put it in with a view to help the thing through?

A. Yes, sir, really.

Q. And not with a view to leasing the road?

A. No, sir.

By Mr. RHODES :

Q. I think you stated that Mr. Palmer drew the bill?

A. Yes, sir.

Q. Did he have any interest in the Chateaugay Iron Company?

A. Not that I know of.

By Mr. HALE :

Q. He was county judge of the county of Clinton at one time?

A. He was.

Q. Was it stated that this road could probably be leased at a profit?

A. I never said so; no, sir.

Q. Was it so understood?

A. Not that I know of.

Q. Still, it wouldn't help the passage of the bill if it was thought that it would be run at a loss? .

A. No, sir; it was a question of convict labor; I think that passed the bill. The bill, when it came up on its final passage, was defeated by 64 votes. I think, of that 64 votes, only seven or eight democrats recorded in favor of it. On the reconsideration, on its final passage, there were only 18 votes against it. There was in the neighborhood of three weeks between the time it was defeated and the time it was passed; between two and three weeks.

By the CHAIRMAN:

Q. You are not a practical railroad man?

A. No, sir.

Q. I suppose that the matter of building this road was of a good deal of interest to the people in Clinton county. Your constituents up there thought it would save the prison, did they not?

A. Yes, sir.

Q. And, without it, you think the chances are that the prison "would be removed?

A. Yes, sir.

Q. You have not told us yet any thing about where your interest came in on this road?

A. Yes, sir; it was in the interest of my constituents, and I am here in their interest wholly.

Q. This act of 1879, which was passed March 11th, appropriating the sum of \$5,000, or so much thereof as is necessary for paying the employees, and \$18,000 for the operating expenses, and the sum of \$35,000 for rolling stock, who introduced that bill?

A. I did. There was \$23,000 of the whole amount that has ever been expended; that was for operating expenses.

Q. Did you know, at the time of the passage of this bill, whether the \$35,000 worth of rolling stock was on the road or not?

A. No; isn't it \$35,000, or so much thereof as is necessary?

Q. You didn't know whether the rolling stock was then on the road or not?

A. No; I had a general idea. There was two locomotives, and I think three, and 8 or 10 platform cars, and box cars, I don't know how many, and one or two freight cars, with provisions by which passengers could ride.

Q. You knew nothing about it from your own personal knowledge?

A. No, sir.

By Mr. PORTS:

Q. You had no interest, either direct or indirect, in the building of the road or the leasing of it, or any lands along the line of the road, or on the extension of it, the Chateaugay road, or interest in

the mines or interest in the road in any other possible way, except as a candidate?

A. No, sir; except for the people of Clinton county.

Q. You had not a dollar interest in any other way?

A. No, sir; not a farthing.

Mr. RHODES — I think we have gone over all the ground.

Mr. POTTS — I would suggest, that if we want to ask Mr. Mooers any other questions, he will be here and will probably answer.

Mr. MOOERS — When the bill was defeated the first time, by one vote, and the motion was made for reconsideration, and laid on the table, I made every effort I could for the passage of the bill. Mr. Halliday, who was on the democratic side of the house, helped me, but if I knew of any democrat that was interested, I would say to him, "help me in the passage of this bill," and so with the republicans. It passed the senate with only one dissenting vote, and that was Goodwin, of Utica.

By the CHAIRMAN:

Q. Since we are trying to find out what interest you have in regard to those contracts for fencing, etc., if any; you were not interested in those contracts?

A. No, sir.

By Mr. HAYES:

Q. Have you any knowledge, Mr. Mooers, about the time when the comptroller and the governor made up their minds, and agreed to the lease?

A. Doctor, I didn't know any thing about the lease until it was executed.

Q. Therefore, you don't know any thing about the amount of money expended by the State in rolling stock, fences and such like things as have been mentioned in the evidence before the committee between the time that they had given their approval, and the execution of the lease?

A. There couldn't have been much, for this reason; the bill making the appropriation —

Q. No, but they were authorized to make a contract for the lease, under the provisions of the bill, and that was executed afterward; there was an interval of time between the guarantee that they would sign the lease, and the signing of it, and meantime was there any thing expended for rolling stock or any such thing?

A. No, sir; I don't know any thing about it.

By Mr. RHODES:

Q. Do you know that there was a guarantee that they would sign it, before they did sign it?

A. No, sir; I don't know any thing about it; I don't know that there was such a guarantee.

Mr. RHODES — If you have the lease here, you will see that the acknowledgment of Mr. Dickson appears on the twenty-first day of May.

The CHAIRMAN — The lease is on the twentieth day of May, but there are no further dates.

Mr. RHODES — Did Mr. Olcott say any thing about it when the approval was made?

By Mr. HAYES:

Q. What is your opinion on the subject; was it a judicious arrangement, the fifteen cents additional on the hat contract, in lieu of the lease?

A. Yes, sir, they get that now, just the same as they did before and have ever since the road was run.

Q. Do you know the parties Gilbert, Bush & Company?

A. No, sir.

Q. You had nothing to do with the passing of the bill or with the contract in any way?

A. No, sir.

Q. In contracts involving the road in its relations with the people who put the fence up?

A. No, sir.

Mr. Mooers was then excused.

The CHAIRMAN — It seems to be rather expected of this committee not only by the resolution, but by the general opinion of some members of the committee at least, that it is thought best that the committee should visit the road. As far as that is concerned, if I could get out of the job of going up there, and discharge my duty faithfully I would feel like doing so; but, at the same time, I believe it is our duty to do this thing according to our best interests. There are two questions to be determined to-day. One is, if we shall go at all, and the other is when we shall go, if we do go. My impression is that we should go as soon as possible.

Mr. POTTS — I move, Mr. Chairman, that this committee visit the Dannemora road and Clinton prison sometime during the fore part of next week, and that the time be fixed by the Chairman.

Mr. RHODES — I second the motion.

Mr. CHICKERING — It seems to me that it is a very proper thing for this committee to do. We have a very limited idea as to the country and the prospects of the company. As far as this road is concerned we can learn more in a single day by visiting it than we could by examining witnesses here for a week.

Mr. HAYES — I am opposed to it, Mr. Chairman, for the very opposite reason. I do not think we can learn any thing at all. What we want to get at is whether the State has been defrauded.

Mr. RHODES — It seems to me that what we want is to arrive at the facts from the stand-point on which we are operating, and the very best way to do that is to go and examine the road.

The CHAIRMAN — I would rather the mover of the motion would amend by fixing the date in his resolution.

The motion was carried.

The CHAIRMAN — I will consult with the members of the committee, and determine as to the day on which it would be best to go.

On motion, the committee then adjourned, subject to the call of the chair, and adjourned to meet in the room of the senate committee on insurance, when the call is made.

It should appear when the committee visited the road.

FOURTH SESSION.

THURSDAY, *February 26th*, 1880, 4 P. M.

The committee met, pursuant to the call of the chairman.

Present, Messrs. INGERSOLL, CHICKERING, POTTS and RHODES.

Mr. INGERSOLL in the chair.

Mr. RUGGLES, deputy attorney-general, appeared as counsel for the State, pursuant to the following resolution, viz.:

Resolved, That the attorney-general be requested to attend the sessions of the special committee appointed by this house to investigate the disposition made of the Plattsburgh and Dannemora railroad, as counsel for the people in that investigation, and in case of his inability to attend by reason of his public duties, that he have the power, and he is hereby requested to assign competent counsel to represent him before such committee.

Mr. PILSBURY stated that personally he was willing to go on and give his testimony, but since his arrival he had learned that it would be impossible for Mr. Hale and Mr. Smith to be present, and therefore, in their behalf, he requested an adjournment until Tuesday, March 2d, at 4 o'clock, P. M.

Mr. RHODES stated that he knew the case to be as Mr. Pilsbury had stated.

Some further discussion was had, and

On motion, the committee adjourned to meet on Tuesday, March 2d, at 4 P. M.

FIFTH SESSION.

TUESDAY, *March 2d*, 1880.

The committee met at the capitol, in the city of Albany, on Tuesday, March 2d, 1880, at four o'clock, P. M., pursuant to adjournment.

Mr. INGERSOLL in the chair.

Present — Messrs. INGERSOLL, CHICKERING, HAYES, POTTS and RHODES.

Mr. FRANK S. SMITH appeared as counsel for the people in the place of the attorney-general.

Hon. MATTHEW HALE appeared as counsel for the Chateaugay Railroad Company ; and

Mr. HENRY SMITH as counsel for Mr. Louis D. Pilsbury.

The committee was called to order by the Chairman, when the following proceedings were had.

The Chairman, Mr. INGERSOLL, spoke as follows :

Gentlemen, as all of the committee are informed, it is the object of the meeting this afternoon, to examine Mr. Pilsbury, who is present, and Mr. Carpenter, whom we have subpoenaed and who is here before the committee. The first witness will be Mr. Pilsbury, if there is no objection on the part of the committee. Mr. Smith, who appears here for the attorney-general, on behalf of the people, will conduct the testimony.

The first witness called was

Louis D. Pilsbury, who, being duly sworn, testified as follows :

Examined by Mr. INGERSOLL :

Q. Where do you reside ?

A. Albany.

Q. How long have you been a resident of Albany ?

A. About 30 years ; 31 or 32 years.

Q. What is your occupation ?

A. Superintendent of State prisons.

Q. How long have you been superintendent ?

A. Three years.

Q. And received your appointment from the governor at that time ?

A. Yes, sir.

Q. You received your appointment from Governor Robinson, did you ?

A. Yes, sir. It was approved by the senate.

Q. You know about the building of this State railroad under the act of the legislature?

A. Yes, sir.

Q. You know about the act of the legislature authorizing the building of the road?

A. Yes, sir, there was an act passed authorizing the building of the road.

Q. At what time was that act passed?

A. I can't tell you the date, exactly; I don't remember. In the spring of '78; sometime in the spring.

Q. In the spring of '78?

A. Yes, sir, I think so; some time in the spring.

Q. You know of the provisions of the act, do you?

A. Yes, sir.

Q. And watched its progress and so on?

A. Yes, sir.

Q. When was it first talked of, the building of this road, that you know about on your part?

A. The first I knew of it was about the time of the introduction of the bill; I can't tell you the date, exactly; just before it was introduced in the assembly.

Q. Was it a suggestion of your own?

A. No, sir; it was not; the bill for the road was submitted to me by Mr. Mooers first, before the act was introduced, and I suggested some alterations in it in regard to convict labor; I had heard it talked about and read it in the Plattsburgh papers, and nearly every time I went to Plattsburgh I would hear it talked of; it was an electioneering doctrine used in the campaign; all the parties were in favor of building the road; the only question was some were in favor of building it by convict labor, and some by citizen labor.

Q. What is the terminus of this road?

A. Dannemora.

Q. Running from Plattsburgh to Dannemora?

A. Yes, sir.

Q. What is the distance of this road?

A. Seventeen and seven one-hundredths miles by the engineer's survey.

Q. And what was the object of building this road, as you supposed?

A. The object was to connect the prison with a railroad so as to have an outlet for the goods that would be manufactured there after that, and also to get the supplies from Plattsburgh to Dannemora; I had also made a contract for the labor of 450 convicts, with the proviso that if the road was built I should receive fifteen cents a day more, per man, for their labor.

Q. With whom did you make the contract?

A. With Carroll & Co. of New York; I think the contract was

made in March to take effect on the 1st of June, 1878; I was engaging in a contract with these men at the time the bill was introduced; the contract had not been assigned, and knowing considerable about the railroad, and that the bill was to be introduced, I added that proviso to the contract; it was originally twenty-five cents a day.

Q. When did you first have conversation with Carroll & Co. about the contract?

A. In February; perhaps a little earlier than that; they had a contract in Sing Sing; they desired to abrogate the contract there and take the one at Clinton; we had been trying for several months previous to get a contract for the labor of these men, and had been for some time past, and found it was impossible to get twenty five cents a day for them.

Q. At that time were these convicts employed in any kind of labor?

A. No, sir; we closed the iron business sometime before.

Q. What time was the iron business closed under your administration?

A. Yes, sir, I used up the charcoal that was there and then I shut down on the business of making nails.

Q. Was there any profit in the manufacture of nails then?

A. I think the deficiency was about \$250,000 the year before.

By Mr. F. S. SMITH:

Q. How much did you say?

A. For the year 1876 the deficiency of the Clinton prison was \$230,000 and a little over; that was the last year of the manufacture of iron. In 1877, when the prison was out of work entirely, \$95,000, and in '78, \$68,000, and in '79, \$97,000. I used up the material that was on hand. There was a large amount of charcoal that had been brought in before I took possession as superintendent and that was used up.

Q. And then this contract was made for the manufacture of hats?

A. Yes, sir.

Q. State when, as near as possible?

A. In March, '78, I think.

[After referring to some papers the witness continued.]

The hat business commenced on the first day of June, 1878, and the contract was made, I think, in March.

Q. The prior March. You had, of course, more or less conversation and communication with Carroll & Company in regard to the contract, some little time before the first of March?

A. Yes, sir.

Q. Saying that if there was a road built he would give more?

A. Yes, sir.

Q. The difference between twenty-five and forty cents?

A. Yes, sir.

Q. About how long before the introduction of this bill, did Mr. Mooers speak to you in relation to the bill?

A. It may have been a week or ten days before he introduced it, I don't know; I can't tell you exactly how long. I know I made some suggestions to him in regard to the convict labor clause. I did not believe the road could be built by convict labor as well and cheaply as it could by citizen labor. I said the same before the committee when I was before them afterward.

Q. After the introduction of the bill did it, to your knowledge, receive any opposition among members in the assembly?

A. There was some opposition, and I believe it failed the first time of its passage, by one vote, I think, and afterward it was passed.

Q. What was the opposition to the bill?

A. It was on this very convict labor question. That was the only opposition that I ever heard.

Q. Was it generally believed then that it would be a good thing for it to be built?

A. It was.

Q. What was your opinion in regard to it, the passage of the bill?

Q. I believed it would save a great many thousand dollars to the State.

Q. State to the committee why you thought so?

A. In the first place the fifteen cents a day extra for the labor of 450 convicts would amount to over \$20,000 a year in cash, payable every month, and if the prison was to remain where it was, I was confident that it could not be run without costing them a great many thousand dollars a year to run it, unless it was enlarged or a railroad built, and I believe now that if I had a thousand men there I could let them for fifty or sixty cents a day.

Q. It was in the contract that after the road was built it should be forty cents?

A. Yes, sir.

Q. Why is there such a difference?

A. I don't know as I can explain that.

Q. In your judgment, why would you think there would be that difference?

A. Well, there was a very heavy grade then and it cost a great deal to bring up the material then and take it away, and it could not be done as expeditiously by the contractors as after a road was built.

Q. About how many hats do they make a day?

A. I can't tell you, sir.

Q. About how many?

A. I can't tell.

Q. Do you suppose it would be as much difference as that to the contractor?

A. No, sir; I don't suppose it would be worth that to the contractor for each man, but if there was a road built I could let it, and otherwise I could not; as I said I had been trying to get them to take it, and I could not get a man to touch it.

Q. He agreed to give you twenty-five cents a day and afterward forty?

A. I insisted upon that; I insisted upon forty cents a day for the labor if the road was built, and that was agreed upon.

Q. This bill was defeated first and afterward reconsidered and passed?

A. Yes, sir.

Q. After the passage of the act, I understood you to say — you cannot tell when the bill was passed?

A. No, sir; I don't remember the date.

Q. I think you said some time in March?

A. I think it was.

Q. When was the work commenced on the road?

A. In July, I believe, of the same year.

Q. The road built by contract?

A. Yes, sir.

Q. Who were the contractors?

A. John O'Brien.

Q. Under your management?

A. Yes, sir; I had the disbursing of the funds.

Q. You contracted with John O'Brien; who let the contract?

A. I did.

Q. How was it let; was it by proposal, under bids?

A. Yes, sir; I advertised, and I think there was some five or six bidders; I am not sure now.

Q. State to the committee why it was let to John O'Brien?

A. He was the lowest bidder.

Q. Is John O'Brien a practical railroad man?

A. I suppose he is; at the time of the bid I never had seen the man; didn't know him at all; I understood he had built roads before.

Q. When was the contract let to Mr. O'Brien?

A. I couldn't give you the date; I don't know; I don't remember; I advertised immediately after the passage of the act, and I think it was in May or June the contract was made.

Q. The contract commenced when?

A. About the first of July. It may have been a little earlier; I think it was about the first of July.

Q. What were the provisions of the contract; was the road to be completed within a certain time?

A. Yes, sir; about, I think, the first of December.

Q. What year?

A. The same year.

Q. This was in '77?

A. '78.

Q. Was it completed within the time specified?

A. I think the road was turned over to me as completed about the last day of December.

Q. Last day of December, 1878?

A. Yes, sir, I think so.

Q. Mr. O'Brien's contract was simply the building of the road, and completing it ready for running?

A. Yes, sir.

Q. With iron and every thing.

A. Yes, sir, with the exception of balloting and fencing and some other things of that kind.

Q. What was the amount of his contract?

A. \$73,000.

Q. Then on the first day of December, or on the last day of December, rather, you had the railroad complete, turned over, at a cost of \$73,000, but did not have it equipped at that time?

A. No, sir; or, yes, sir. The rolling stock, a portion of it, was there at that time.

Q. State to the committee how you or the State came into possession of that rolling stock, and how it was put on, and by whom, and how much it cost, etc.?

A. The cars were furnished by Gilbert, Bush & Co., of Troy, and the engines by the Dickson Manufacturing Company, in Pennsylvania. I asked Mr. Weed to write to some of the parties with whom he was acquainted, and ascertain if there was any of them that would furnish rolling stock at a fair cash value, and without my binding myself or the State to pay for them, and run their chances of getting pay from the State. The succeeding winter he did so, and the consequence was that for the cars we made a contract with Gilbert, Bush & Company, and the Dickson Manufacturing Company furnished the engines. They were furnished and put on, and running, some of them, before the winter.

Q. You made a contract with Gilbert, Bush & Co. to furnish the rolling stock?

A. Yes, sir.

Q. When was that contract made?

A. Some time in August.

Q. Give us the nature of the contract. It was rather a queer transaction?

A. All I can say is, that I was in correspondence with them and the arrangement was made that they should furnish what stock we needed, and in case the State did not pay for it, they were to own the stock. We were to treat it carefully, and they were to own it if it was not paid for. My object in getting this stock was, that if I waited until the road was completed, until the legislature might

get an appropriation for this road, I could not let the contract until the succeeding June. It was a year, nearly, after the stock was actually got before I could have got by the appropriation, and the State would have lost about \$20,000.

Q. Do I understand you to say that the contract was made for you with Gilbert, Bush & Co., by Mr. Weed?

A. He wrote for me to some other parties, and when I told them what the terms were, I never heard any thing more from them.

By Mr. CHICKERING :

Q. Was there any written contract?

A. No, sir; I merely told them what we would do; there was no written contract at all; it was merely an agreement between them and Mr. Weed, I think.

By the CHAIRMAN :

Q. The engines were furnished by Dickson?

A. The Dickson Manufacturing Company.

Q. In the same way?

A. Yes, sir; Mr. Dickson (not Mr. Thomas Dickson, but another gentleman) from Scranton, came on here to the penitentiary, where I was living at the time, and brought his plans for locomotives there, weight and every thing, capacity, power, and prices, and I talked the matter over with him, and he agreed to put them on. They had one narrow gauge engine already finished, and built another for me afterward.

Q. Did you have any conversation with any other parties in regard to the locomotives except Dickson & Company?

A. I did with one I am certain, I don't remember what other parties, but they declined to build upon those terms.

Q. Were there any other contracts made in the same way, in a similar way, besides these two?

A. There was an agreement made with O'Brien to fence and ballast the road on the same terms, with the same understanding, and at the same price that he received from the New York and Canada road for doing the same work.

Q. To be paid for by —?

A. To be paid for if an appropriation was made.

Q. If not, he was to own it?

A. No, sir; it was there, and he was to run his chances for getting the pay.

Q. He was simply to ballast the road and fence it, and run his chances on getting the pay?

A. Yes, sir; it was absolutely necessary to fence the road; there was a great deal of complaint, and on one occasion when I went up to Dannemora, we had to stop several times and drive the cows off from the track.

Q. The road runs through a farming country then, I conclude?

A. The country, I think, has been pretty well described.

Q. What was the amount of this contract with Mr. O'Brien — I suppose you don't call it a contract?

A. An agreement; I had no written contract.

Q. No one was bound?

A. No, sir.

Q. Neither you or the State, or the other parties?

A. No, sir; they simply bound themselves to do this work, and run their chances of getting the pay; that was all; I did not bind myself or the State to any thing.

Q. What was the amount of this agreement with Mr. O'Brien, for fencing the road?

A. I can't tell you, no, sir; the amount that was paid him was 50 cents a yard for ballasting, and a dollar and a half a rod for fencing; I think that was the agreement.

By Mr. HAYES:

Q. You considered that fair?

A. Yes, sir; before agreeing to it I consulted with several persons who were supposed to know what the value of it was, and was assured by them all that it was a fair cash price.

By Mr. MOOERS:

Q. Don't you know, Mr. Pilsbury, that it was 25 cents a rod less than he received from the New York and Canada?

A. I don't know but it was, Mr. Mooers; I know it was the same or less that he received from them; of course the fence included gates and all that.

Q. You had no talk with other parties about this work?

A. No, sir.

Q. Was this let by sealed proposal or any such thing?

A. No, sir, I believe, I had reason to believe, that he could do it cheaper than any other man, because he had the tools there, and every thing of that kind, and I consulted with other parties who said it was a fair price.

By Mr. HAYES:

Q. Do you suppose it cost the State any more under this agreement that you personally made, than it would if you had had the power to make a contract?

A. No, sir, it would not; I thought then, I thought at that time, that the work was done as cheaply as it would have been if I had had the money in my hands to pay for it.

By Mr. CHICKERING:

Q. Do you think it was, or was not?

A. I think it was.

By the CHAIRMAN :

Q. Was the contract with Gilbert, Bush & Co. at a stated price ?

A. Yes, sir.

Q. Can you tell the amount now ?

A. I think the passenger cars were \$2,600, and the baggage and passenger cars, \$1,600, and box cars, \$400, and platform cars with sides, \$325 ; I think that was it, I am not exactly certain.

Q. What was the contract with Dickson & Co. ?

A. I think it was \$6,000 for each engine, and then a smaller engine was built for, I think, \$3,000 ; there was two passenger or freight engines, and one smaller engine that was used for switching, running back and forth.

Q. In regard to the leasing of the road, you was superintendent of prisons at the time of the leasing of the road. ?

A. I was.

Q. And had something to do with it ?

A. Yes, sir.

Q. What time did you lease the road ; when was the road leased ?

A. The road was leased on the 20th day of May, 1879.

Q. Had it then been run by the State from the last day of December ?

A. Yes, sir, six months, or not at that time ; the lease took effect the first day of July.

Q. The lease was executed on the 20th of May ?

A. Twentieth of May, yes, sir ; I desired to have it take effect immediately, or as soon as possible, and Mr. Dickson wanted it put off until the first of October, and finally we compromised.

Q. You had been having some correspondence in regard to leasing this road before this, prior to the 20th of May ?

A. I had, sir.

Q. Why was it that you were so anxious to lease the road at that time so soon after its being built ?

A. The road had been running about three months then, before I wrote Mr. Dickson asking him if he would lease it, and I became convinced that the road could not be run by the State at less than \$15,000 to \$20,000 a year ; I believed it would cost the State just about the amount extra that we received from convict labor, on account of building that road.

Q. Then you commenced to look around and see where you was going to get rid of it ?

A. Yes, sir ;

Q. And then you had some talk with Mr. Dickson ?

A. I wrote to him ; I never spoke to him until then ; I wrote to him on account of their road and the State road being so closely connected.

Q. When did you write ?

A. About the first of March; I wrote first, and Mr. Dickson declined to have any thing to do with it, so far as the Delaware and Hudson Canal Company was concerned.

By Mr. HAYES:

Q. On what ground?

A. I suppose because they couldn't make it pay.

Q. When was the lease consummated?

A. About the 20th day of May.

By Mr. F. S. SMITH:

Q. Right here have you the correspondence with you that you had?

A. Yes, sir.

Mr. SMITH — We might as well have it now, please, if you will be kind enough to read the correspondence in order.

[The witness then read the correspondence as follows:]

ALBANY, N. Y., *March 31, 1879.*

THOMAS DICKSON, Esq.,

President etc., Delaware & Hudson Canal Co., New York:

DEAR SIR — The State of New York, as you are doubtless aware, has a railroad from Plattsburgh to Dannemora, and as it was the evident intent of the legislature that the road should be leased, and as it will be completed and equipped by the middle of May, I desire, if possible, to lease it, and of course want the most favorable terms to the State that I can get. The road connects with your road at Plattsburgh, and your company could unquestionably operate it cheaper than any one else, as your present shops and employees at Plattsburgh would do the business of, and accommodate both roads. May I ask if you will lease the road, and if so, will you examine the road, its rolling stock and property, and say upon what terms you will be willing to take it. The road was built by the State to connect its prison with the railroad system of the State, and I desire to say that in any lease to be made, I should insist on the part of the State, that trains for passengers and freights should be run every week day so long as the State maintains the prison at Dannemora. I should also insist that some State official should have a supervisory power over the rate of transportation of freight to and from the prison, and from the prison lands so-called, and that there should be a limit to the rate for passengers. I would also say that the law authorizing the building of the road, authorizes me to lease it with the concurrence of the governor and comptroller of the State. I hope for an early reply, and to talk up the subject would meet you any day except Thursday of this week that you may name.

Very respectfully yours,

LOUIS D. PILSBURY,

Superintendent, etc.

NEW YORK, April 2, 1879.

LOUIS D. PILSBURY, Esq.,

Superintendent State Prisons, Albany, N. Y.:

DEAR SIR — I have your favor of the 31st ult. and beg to say in reply that, as the State road is narrow gauge and would have to be run independently, I question whether this company could operate it to any advantage. As there is some talk of an extension from Dannemora west, I would respectfully suggest that, should such extension take place, the road might be run in connection and by the parties who control the western extension, with better results than we could possibly obtain.

The WITNESS — There was then considerable talk about running a road to Malone.

[Continuing the reading of the letter.]

I will gladly meet you, however, and discuss the subject at any time that may suit your convenience.

Very truly yours,

THOS. DICKSON,

President.

NEW YORK, April 17, 1879.

LOUIS D. PILSBURY, Esq.,

Superintendent State Prisons, Albany, N. Y.:

DEAR SIR — Since my letter to you declining, for account of this company, to entertain a lease of the State road from Plattsburgh to Dannemora, it has occurred to me that a company might be organized who would take a lease and continue the road to the Chateaugay ore beds, in which I have a moneyed interest. I am informed that the extension of the State road would either pass over the State lands near Lake Chazy, or very near to them, and bring that large tract into market, thus securing all the benefits originally sought by the construction of the State road. If the State will make a lease, by which they will agree to extend the prison road to the State lands and lease the same to a company in perpetuity, giving possession, say, June first, free and clear of all incumbrances, and will relieve their portion of the road from taxation, and will furnish, say, twenty-five prisoners for work upon repairs, I think I can organize a company that would take it, and, in compensation for its use, would run at least one train each way, with passenger cars attached, every week day, and as many freight trains as the business of the road requires, and will, within twelve months, extend the road as far west as the Chateaugay ore beds, and will keep the property in good order and repair, carrying all prison supplies, not contracted to be delivered at the prison, free of charge. Will restrict fares to five cents a mile on the State road, carry all freights of contractors,— wood, timber

from State lands, and stone and material for building at the prison — at a reasonable rate, but, in case of disagreement, the rate to be fixed, from time to time, by the superintendent of State prisons, and the comptroller, provided such rates should not be made less than the actual cost.

Will you kindly advise me whether you would be willing to recommend such a disposition of the road, and how soon, if at all, an arrangement could be made, as, if any thing is done this year, there should be no delay.

Very truly yours,
THOS. DICKSON,
President.

With the reply:

ALBANY, N. Y., *April 19th*, 1879.

THOMAS DICKSON, Esq.,

President Delaware and Hudson Canal Co., New York:

DEAR SIR — The extension of the road by the State is out of the question. I do not believe the legislature would appropriate another dollar for that purpose, nor would I recommend it. The only possible argument in its favor would be the increased facilities for getting wood for fuel, and the probabilities are that in future coal will be used for that purpose. I cannot agree to furnish convicts to work upon the road. With these two exceptions, I am willing to lease the road on the terms you propose, provided the governor and comptroller approve it.

Very truly yours,
LOUIS D. PILSBURY,
Supt. State Prisons.

Finally:

SCRANTON, *Apr. 22*, 1879.

HON. LOUIS D. PILSBURY,

Supt. of State Prisons, Albany, N. Y.:

DEAR SIR — I have your favor of the 19th inst., for which I am obliged.

I hope to be able to make you a positive proposition the first week in May, or as soon as I can confer with the parties in interest.

Very truly yours,
THOS. DICKSON.

By the CHAIRMAN:

Q. That is all the correspondence?

A. That is all the correspondence, sir, every word of it.

Q. What is the date of the last letter?

A. April 22d.

Q. That was prior to the leasing of the road, April 22d, 1879?

A. Yes, sir.

Q. When did you first, after that — go right on, and state to the committee what occurred in regard to the leasing of the road from that on?

A. I heard nothing more about it until Mr. Smith, from Plattsburgh, I think, came here with the lease drawn as agreed upon in the letters there.

By Mr. CHICKERING:

Q. Who is Mr. Smith — connected with the company in any way?

A. I cannot tell you. He is a lawyer.

Q. Attorney of the company?

A. That I can't tell.

By Mr. F. S. SMITH:

Q. William E. Smith, isn't it?

A. Yes, sir. He brought the lease up to my house, I believe, first, and I looked it over, and told him that it about covered what we had agreed upon; but I told him, I think, that he had better take it to the attorney-general, and if it was all right there, if the comptroller and governor agreed to the terms, I was prepared to execute the lease. Mr. Smith took the lease with him. I afterward saw Comptroller Olcott about it, and after consultation with Mr. Olcott this was agreed upon. There was some minor changes made in the lease.

By Mr. HAYES:

Q. When was the agreement come to that the lease should be made; about what time — the agreement between the governor and comptroller?

A. That I can't tell you, but I think Mr. Smith was down with that lease about the — I think, about the 12th or 13th of May.

Q. The lease was executed on the 20th?

A. Yes, sir.

By the CHAIRMAN:

Q. As I understand it, after writing this last letter, you heard nothing from Mr. Dickson until Mr. Smith came here?

A. I was very anxious for fear it had fallen through; I had heard they were trying to make an arrangement with the Ogdensburg and

Lake Champlain road, and I was afraid I should lose the opportunity to lease it, because I thought we could not lease it to any one else; as I have said, there was one or two modifications made in the lease; I guess carrying the officials back and forth, or something of that kind; but it is mainly in that letter.

By Mr. HAYES:

Q. Between the time that the agreement was made, and the time the lease was consummated, was there any actual expenditure or agreement as to any?

A. Nothing that I know of; there might have been something delivered that was contracted for before that, but I don't know; I don't remember any thing now; I didn't purchase any thing after that, if that is what you mean.

Q. That is what I mean.

A. No, sir; the rolling stock was all paid for before that, nearly; I paid the bill of Gilbert, Bush & Company; it was paid in March, I think March 20th; I think on the 20th day of March I paid that bill in full before I had written to anybody about leasing the road.

Q. On your own responsibility?

A. That was provided for in the appropriation bill; I had the checks all drawn payable to my order, and I took possession of them and turned them over to the company.

By the CHAIRMAN:

Q. This act that was passed was for the purpose of paying for this rolling stock, engines, etc., that you had already contracted for?

A. Yes, sir; they were paid for before the lease.

By Mr. CHICKERING:

Q. Let us go back a little, Mr. Pilsbury; at the time of the introduction of this bill, you talked with Mooers about it?

A. Yes, sir.

Q. And you talked about it and examined it together?

A. Yes, sir.

Q. And you made some suggestions in regard to it?

A. Yes, sir; I think he thought it could be built by convict labor but I thought it could not.

Q. Did you have any conversation at the time, do you remember now, about the leasing of the road—about that provision in the bill?

A. No, sir.

Q. When was that put in the bill?

A. I think it was in the bill from the start.

Q. Did you have any conversation with Mr. Weed about that?

A. I have no recollection of it all. Why, I met Mr. Weed the same as many other citizens of Plattsburgh. They were all interested in the road, and they were very much afraid that I was in favor of removing the prison, and the newspapers stated that I was in favor of removing the prison, and I was at one time. If the railroad had not been built I should have removed it down to the lake shore. I even went so far as to go down to the lake shore and look at a spot near the railroad.

Q. And abandon that altogether?

A. Yes, sir.

By Mr. F. S. SMITH:

Q. The Mr. Weed referred to by you is Mr. Smith M. Weed?

A. Yes, sir, it is.

Q. When did you first have any conversation with Mr. Smith M. Weed about building the road?

A. I don't remember talking with him about building the road at all.

Q. When did you first have any conversation with him relative to the rolling stock?

A. In July, I think, sir.

Q. How did that happen?

A. As I recollect it now, I had talked with Mr. Weed and others there about the necessity of getting the rolling stock on the road as soon as it was completed, and we talked of the matter, that if I could not get it the road would lie idle a year, and it would be a loss of some ten or twelve thousand dollars in cash to the State, and I asked him if he knew of any railroad people with whom he was acquainted, who would be willing to furnish stock without my binding the State to pay for it. I stated it to him, he being a lawyer, and I wanted him to understand how I was fixed, and I wanted it distinctly understood that I did not bind myself either

Q. And this conversation with Mr. Weed was entirely upon your own motion?

A. Yes, sir, entirely.

Q. And he procured you the parties from whom you purchased the rolling stock?

A. Yes, sir; he wrote to them and sent me the replies. He wrote to several parties.

Q. Did you have any conversation with him in regard to the lease of this road?

A. I think not.

Q. Not at any time.

A. No, sir; I have no recollection of talking with Mr. Weed at all about leasing the road. Yes, sir; after writing to Mr. Dickson, as I said before, I then spoke to Mr. Weed once or twice, supposing he was in favor of having the road run down to the Dannemora

road, and having that for the outlet. I found out my mistake first when I heard his testimony here. I urged him to hurry them up and get them to make the lease.

Q. You never heard that he was not in favor of it?

A. No, sir; I did not.

Q. Did he on the other hand appear to favor it?

A. He didn't give me much satisfaction either way.

Q. There was a time when your resignation was handed to the governor, wasn't there?

A. Yes, sir.

Q. When was that?

A. In the fall of '78.

Q. How long did it remain with him?

A. Until he left the office of governor. While he was in office.

Q. Did you ever have any conversation with Governor Robinson in regard to this leasing of the road or its construction?

A. Yes, sir; I did.

Q. When, and what were they?

A. Well, from the very time of the introduction of the bill, I had once or twice spoken to the governor and told him what my opinion was in regard to the building of the road; that I believed it would be the best thing for the State, and eventually make the prison a self-supporting institution; and after the bill was passed I went into the governor's office to ask him if it was necessary for me to do any thing to have him sign it, and found it was signed when I went there.

Q. Did you have any conversation with him particularly on the subject of leasing?

A. I think not. I am not sure that I ever spoke to him. I think I did, though, at one time, and said to him what I said here, that I had found the road would cost us \$15,000 or \$20,000 a year to run it, and (I think it was after I wrote to Mr. Dickson) that I had written to Mr. Dickson and hoped we could lease it on favorable terms to the State.

Q. What did he say?

A. I can't say that he made any reply whatever.

Q. Have you had sufficient data from which you can give us the exact cost of the road?

A. The road cost about \$168,000, I think.

Q. And those have been the only expenditures from the treasury on account of the road?

A. The road was operated by me for five or six months. I had to draw from the treasury to operate the road. The receipts of the road were paid into the treasury entirely. None of the receipts were used to operate the road.

Q. What did it cost to operate the road during that time?

A. It cost about \$1,600 a month to run the road.

Q. For six months?

A. That was without any thing for wear or tear, or any thing of that kind.

Q. About how much a month?

A. About \$1,600. That is, Mr. Smith, the regular operating expenses of the road, not taking into account the repairs at all.

Q. The repairs were additional, then?

A. Yes, sir. They were entirely separate from that.

Q. Have you any means of knowing the amount expended for repairs in that six months?

A. No, sir; I can't tell you now.

Q. Were any expenses for repairs made upon the road paid from the treasury, between the 20th of May and the first of July?

A. I think very likely there were; the road was in my possession until the first of July.

Q. What change in possession did it undergo on that day; what difference in management?

A. Nothing; except it was turned over to the Chateaugay Railroad Company.

Q. Your superintendent was Mr. Barber?

A. Yes, sir.

Q. And he remained in charge of the road.

A. He did, as superintendent for that company.

Q. Have you any knowledge of how many of the bills for construction of the road, rolling stock, engineering, fencing, etc., had not been paid at the time the road was leased?

A. I think the bills were paid; half or three-fourths of the amount that was due was paid up before that, from the supply bill that you passed, and the balance was allowed to remain unpaid until a full statement was made out by the contractor of the amount due them and that passed into my hands, and was certified to me, and by me handed to the comptroller, and then a check was drawn to various persons for the amount due them.

Q. When did you first know of the organization of the Chateaugay Railroad Company?

A. I didn't know there was such an organization until the lease was drawn; never heard of it.

Q. Had you had any conversation with other parties than Mr. Dickson?

A. I had not.

Q. Had you heard of any other persons being interested in it than Mr. Dickson?

A. Mr. Dickson and Mr. Williams, who executed the lease.

Q. You had no knowledge of any other persons interested?

A. No, sir.

Q. You had no bonds or security for the fulfillment of the contract by the parties?

A. No, sir.

Q. And no forfeiture clause was at any time proposed by either party to the contract, than simply this:

"Provided, however, and upon the condition that if the covenants and agreements herein contained on the part of the party of the second part shall not each and all be kept and performed by the said party of the second part, its successors or assigns, then it shall and may be lawful for the said party of the first part, at the expiration of six months after notice to the party of the second part, their successors or assigns, in writing, of the intention so to do, and continual neglect or default, to enter into and upon the said leased premises and property and every part thereof, and to repossess and enjoy the same, together with whatever property may have replaced the property hereby leased, and whatever additions may have been made thereto, any thing herein contained to the contrary notwithstanding."

That is the only clause that was ever discussed between you and them?

A. Yes, sir.

Q. You may state what connection, if any, to your knowledge, Mr. Mooers had with this transaction from the beginning to the end?

A. Not a thing, sir; not in the least.

By Mr. CHICKERING:

Q. Had you any correspondence yourself with Gilbert, Bush & Co., and these other parties, in regard to this rolling stock?

A. I have not with me; I may have some in my papers; I don't remember whether I have or not.

Q. Who wrote first?

A. Mr. Weed wrote first.

Q. To Gilbert, Bush & Company?

A. Yes, sir.

Q. And they replied to you?

A. Yes, sir, or the reply was sent to me; there was considerable correspondence about the prices to be paid, etc.

Q. You spoke to Mr. Weed about it first, did you?

A. I did, yes, sir.

By Mr. HENRY SMITH:

Q. I wish you would state, Mr. Pilsbury, whether it is a fact that this resignation in the hands of the governor was not to take effect except upon certain contingencies understood between you and the governor?

A. That was so.

Q. Did that resignation or any thing connected with it, either directly or indirectly, have any thing to do with the lease in any way?

A. No, sir; not a thing.

By Mr. RHODES:

Q. Was it ever talked of or suggested between you and the

governor in any interview between you and the governor about this railroad?

A. No, sir; it was never spoken of between the governor and myself from the time he received it.

The CHAIRMAN—If there is nothing further we will relieve you this afternoon.

Mr. RHODES—I would like to ask one further question.

Q. In your investigation in regard to the location of the prison and the means of bringing it into connection with the railroads of the State, did you believe that a new prison could be built, or that they could build a road up there and enlarge this prison cheaper?

A. I believed that this road could be built and this prison enlarged for probably \$300,000 or \$400,000 less than a new one could be built.

Q. And in your investigation did you talk with people who understood the construction of such a road, and determine what the cost of the road would be?

A. Yes, sir, quite a number of persons said (I am referring now to the first contract, \$73,000) that it could not be built for \$100,000, and I have been told since by railroad men that the road was built very cheaply, as cheaply as any road in the State.

By Mr. F. S. SMITH:

Q. Will you tell us what the earnings of the road were during that six months?

A. Yes, sir; the earnings of the road were \$4,857.07, that included, also, about \$1,000 for iron ore, and there was no probability of our ever getting any thing from that source again, and \$300 from O'Brien for carrying fence material over, and also an amount paid for the State for the transportation of goods which are now passed free, so it would leave about \$500 a month as the earnings of the road.

By Mr. CHICKERING:

Q. So you were running it at about a loss of \$1,100 a month?

A. Yes, sir.

By Mr. F. S. SMITH:

Q. You have no writings in regard to this at all?

A. No, sir.

By Mr. RHODES:

Q. Have you ever since regarded it as the best thing the State could do, to lease this road?

A. I have, sir; I regarded it as the best thing they could do to build the road, and then the next best thing was to lease it.

F. A. Carpenter, being duly sworn, testified as follows:

Examined by Mr. F. S. SMITH :

Q. Where do you reside ?

A. New York.

Q. Were you at a certain time attached to the department of the State treasury ?

A. I was.

Q. In what capacity ?

A. As cashier.

Q. And covering what time ?

A. From 1878 to 1880, the 15th day of January last.

Q. During that time was there any account in the matter of the Dannemora railroad with which you were conversant ?

A. Yes, sir.

Q. And certain moneys were drawn from the State treasury ?

A. Yes, sir.

Q. Have you examined the books ?

A. I have.

Q. Since those entries were made ?

A. I have, sir.

Q. When ?

A. I examined them the last of December, and since.

Q. Have you made an abstract ?

A. Yes, sir.

Q. Is it correct ?

A. I think it is.

Q. Did you compare it with the original ?

A. I have.

Q. Have you it with you ?

A. I have it.

[The abstract was here put in evidence.]

By Mr. CHICKERING :

Q. That is the whole amount that has been paid for the road ?

A. Yes, sir.

Q. Less the receipts of the road ?

A. No, sir, not less the receipts ; the receipts have not been taken from that at all.

Q. What items were paid by the treasurer after the 20th of May, 1879 ?

A. There was paid Mr. Pilsbury on the 3d of July, 1879, \$5,000 for operating the railroad ; there is, June 27th, 1879, engineering the road, paid to Mr. Pilsbury, \$3,248.15 ; July 5th, 1879, fifteen road signs, \$210.

Q. Who was that paid to ?

A. To Mr. Pilsbury.

Q. So with all these items so far ?

A. Yes, sir ; June 30th, 1879, Mr. O'Brien, fencing, \$6,123.10 ;

July 11th, ballasting \$335.50, station house \$700, round house, \$5,171.84, a total of \$6,207.34; July 2d, Sullivan & Rice, track tools, etc., \$163.10; July 12th, 1879, sundry items amounting to \$665.48; July 18th, sundry items amounting to \$146.28; August 13th, 1879, \$89; June 26th, county clerk recording deeds, \$50.50; same date, W. E. Smith, purchase of right of way, \$2,087.40; June 28th, services for obtaining right of way, \$350.

Q. Have you any recollection as to when these warrants were issued by the comptroller with reference to these dates?

A. They must have been issued at the time they were paid by the treasurer.

By Mr. HALE:

Q. Have you any knowledge as to when these bills were contracted?

A. I have none.

Q. These were items for which appropriations were made in the supply bill, were they not?

A. That I cannot answer.

Q. Or some bill?

A. I suppose so.

Q. Were you aware of the fact that there was an appropriation bill passed in March for some of the expenses of this road?

A. I was not.

Q. You have no knowledge on that subject?

A. I have not; my only knowledge is what I have told you now.

Q. You only received the warrants from the comptroller, and they were paid out of the treasury of the State?

A. That is all.

By Mr. RHODES:

Q. I would like to know whether these warrants were kept there in the treasurer's office and can be obtained?

A. The warrants by which these checks were paid were kept and have always been in the treasurer's office until the accounting for the fiscal year; I don't know whether since I left they have been removed or not; I am informed that they have been removed; they are all in the hands of the comptroller.

Q. They will show for what they were drawn and what the checks were made for?

A. Yes, sir.

Louis D. Pilsbury recalled:

By Mr. HALE:

Q. You have heard the statement given by Mr. Carpenter in regard to payments made to you out of the State treasury, subsequent to May 20th, 1879?

A. Yes, sir.

Q. When were those liabilities incurred by you?

A. All previous to the time the lease was made.

Q. And were they all previous to the supply bill and provided for in that bill of some time in March?

A. Yes, sir; I see some of the checks were payable to my order; when I went to the comptroller's office I would certify a bill as superintendent of prisons and a check would be drawn to my order, and they would receipt the bill and pass the check over to me.

Q. There is an item for engineering paid July 27th?

A. Yes, sir, that was in the supply bill.

Q. An item for road signs?

A. Yes, sir; in all cases where it was paid to my order, for every sign that was put on the road, I returned vouchers to the comptroller's office, and after the lease I returned my vouchers and cash to make the account square in the comptroller's office; one or two of the bills that he mentioned as payable in July and August — there were one or two small bills against the road which were disputed; I think the bill was one where men had done a certain amount of work and had transferred their orders for pay on the road to the storekeeper; I had refused to pay him until he could show that it was all right, and for some time I did not pay him, but finally I became satisfied that it was all right and paid it; it was all right, but I didn't pay it for some time because he could not produce the men who gave them or the proper vouchers.

Q. This expense for right of way, of course, that was incurred before the road was built?

A. Yes, sir; when we was building it.

Q. And the services for obtaining right of way?

A. Yes, sir.

Q. And so with the county clerk's office for recording deeds; those were deeds for the right of way?

A. Yes, sir; and these are in the comptroller's office.

By Mr. RHODES:

Q. These vouchers enter into the comptroller's warrant; they are attached to the warrant; they follow the warrant, do they not?

A. I don't understand what you mean?

Q. The bills, you say, you certified to the comptroller?

A. Yes, sir.

Q. And the comptroller issued a check to your order?

A. Yes, sir.

Q. What became of the vouchers that were certified by you?

A. I suppose they are in the comptroller's office.

Mr. HALE—Mr. Gallien is here; he can tell you if you wish.

F. A. Carpenter, re-called :

By Mr. MOORE :

Q. I would like to ask Mr. Carpenter if he believes that any money was paid that ought not to have been paid ; do you know ?

A. No, sir ; I know nothing.

Q. I ask if you have any occasion to think so ?

A. No, sir ; I have not.

Mr. Carpenter was here excused:

The CHAIRMAN—It is perhaps well to state while we are here together, that it has been talked off by the committee, that we would continue the investigation to-morrow at four o'clock. I suppose there will be a motion made by some member of the committee that we adjourn until to-morrow at four o'clock. We expect the "*Tribune*" will be represented here to-morrow by some one. An attempt was made to have it represented here to-day, but they could not be here.

Mr. RHODES—I move, Mr. Chairman, that we adjourn until to-morrow at four o'clock, P. M. ●

The CHAIRMAN—We will meet in the adjoining room to-morrow and then adjourn to some other room as these will be occupied.

The motion of Mr. Rhodes was carried, and the committee then adjourned.

SIXTH SESSION.

WEDNESDAY, *March 3d*, 1850.

The committee met pursuant to adjournment, at the capitol in the city of Albany, at four o'clock, P. M.

Mr. INGERSOLL in the chair.

Present—Messrs. INGERSOLL, POTTS, RHODES, CHICKERING and HAYES.

Mr. F. S. SMITH appeared as counsel for the people, and Hon. MATTHEW HALE appeared as counsel for the Chateaugay Railroad Company.

The committee was called to order by the Chairman, when the following proceedings were had :

The first witness examined was

Willis E. Merriman, who being duly sworn, testified as follows :

Examined by Mr. SMITH :

Q. Where do you reside ?

A. Albany.

Q. What is your occupation ?

A. I am at present clerk in the comptroller's office.

Q. How long have you been in the comptroller's office ?

A. A little over fourteen years.

Q. You were then clerk in the comptroller's office under Mr. Olcott's administration ?

A. Yes, sir.

Q. Were you acquainted with the warrants issued by the comptroller to Louis D. Pilsbury in the matter of the Dannemora railroad ?

A. Yes, sir.

Q. You may state to the committee, if you please, the dates and amounts severally, of the warrants issued by the comptroller after May 20th, 1879 ?

A. Warrant dated June 26th, 1879, payable to W. E. Smith for lands taken, being on account of an appropriation per chapter 272 of the Laws of 1879, for the Plattsburgh and Dannemora railroad for right of way, \$2,087.40.

Q. What is the next ?

A. Warrant dated June 26, 1879, W. J. McCaffrey, county clerk; that is for recording deeds, on account of the same appropriation, per chapter 272, Laws of 1879, \$50.50. Warrant dated June 27th to Louis L. Pilsbury, superintendent of the prison, on account of the appropriation per chapter 272, for engineering, \$2,348.15.

By Mr. RHODES :

Q. Attached to that is the voucher showing how he spent the money ?

A. Yes, sir.

Q. And those vouchers appear attached to the warrant, and explain the warrant ?

A. Yes, sir.

Q. Do you know whether they agree with the amount in the warrant ?

A. They agree with the amount drawn. Warrant dated June 28, 1879, W. E. Smith, on account of same appropriation, right of way, \$350.

June 30th, John O'Brien, fencing, \$6,023.

July 2d, On account of appropriation for turn-tables, track tools and other implements, \$163.10.

July 3d, Louis D. Pilsbury, superintendent of prisons, \$5,000, on account of appropriation for operating the road ; this was an advance of \$5,000 for which he rendered the vouchers which were filed in our office ; the vouchers are all on file.

July 5, 1879, Louis D. Pilsbury, \$210, for 15 road signs.

July 11th, John O'Brien, \$6,027.34, for sundry appropriations under that act of 1879, for the Plattsburgh road.

July 12th, John H. Wilson & Son, sundry items — Sullivan &

Rice, \$50.64; M. P. Myers, \$201.10; Purcell & Smith, \$78.78; A. Williams, \$156.66; Baker Brothers, \$178.30.

July 18, 1879, John W. Haynes, \$56.50; Mead & Bidwell, \$90.07; J. A. Hagar, \$19.17.

August 13, 1879, C. W. Merritt, \$89.00.

Q. Refer to the vouchers attached to the first one?

A. Warrant dated March 20, 1879.

Q. Read the voucher, the bill, what it is?

[The witness here read the voucher for the information of the committee, but by direction of the chairman, it was not taken in evidence.]

A. The total is \$15,149.

Q. Those vouchers appear to be against the Plattsburgh & Dannemora Railroad Company, don't they?

A. The heading is the Dannemora Railroad Companyh.

Q. The price paid for passenger locomotives was \$6,000 each?

A. Yes, sir.

Q. The next voucher, read that.

[The witness then read this voucher, but by direction of the chairman it was not taken in evidence.]

Q. There is a considerable amount of these that were paid after the 20th of May that year; all that you read except this last one, the warrants were issued after that time?

A. Yes, sir.

By Mr. HALE:

Q. Those warrants all purport to be drawn pursuant to chapter 272 of the Laws of 1879?

A. Yes, sir.

Q. That is the supply bill for the year?

A. Yes, sir.

Q. Passed May 13, 1879?

A. Yes, sir, all except that one in March.

Q. All except this then are pursuant to the supply bill of May 13, 1879?

A. Yes, sir.

Q. You have no knowledge, I suppose, about when these services were rendered, or why, except what appears in the warrant?

A. No, sir.

Q. The bills were presented and payments made after the passage of the supply bill?

A. Yes, sir.

Q. And it is a very common thing, is it not, for payments under the supply bill to be delayed sometime after the passage of the act?

A. Yes, sir.

Q. You don't pay them all the next day?

A. Sometimes we don't pay them at all.

Q. But delay in the payment is not at all uncommon?

A. No, sir.

Q. In regard to this last voucher, No. 3,921, the warrant dated March 20, 1879, it appears from these, that the articles, locomotives, etc., were delivered in 1878, does it not?

A. Yes, sir.

Q. At least that appears with reference to the bill of the Dickson Manufacturing Company. The bill of Sullivan & Rice has no date, or rather the bill has a date, but there is nothing to indicate the performance of the work?

A. No, sir.

Q. That you understand to be for turn-tables, do you?

A. That, I believe, is the reading of it.

Q. You may look at it?

[The witness here referred to the paper.]

A. Fish cars and snow-plough.

Q. Those are the only warrants, are they; those warrants for the right of way are the only payments that have been made by the State on that job, so far as you know?

A. That is my impression; we got all the warrants we could find on that account.

Q. You have no knowledge of any other payments being made for right of way than those to Mr. Smith?

A. Yes, sir, and McCaffrey for recording deeds.

Q. But none other for the purchase of lands, except those?

A. No, sir.

By Mr. SMITH:

Q. You had no further knowledge of the right of way or any of the expenses contained in them beside those vouchers?

A. That is all.

By Mr. RHODES:

Q. I notice in that vouchers last referred to that one of them reads to the "Dannemora Railroad Company," and the other one reads the "Plattsburgh and Dannemora railroad." Do you understand that those both refer to this railroad built by the State?

A. Yes, sir.

Q. And did the comptroller so understand it when those bills were presented to him?

A. Yes, sir.

Q. This voucher was not made in the comptroller's office, as you understand it, but by the company themselves on their heads.

A. Yes, sir.

By Mr. HALE:

Q. Do you know of any railroad that was called by those names except this State railroad from Plattsburgh to Dannemora?

A. No, sir; I think the title of it is the "Plattsburgh and Dannemora railroad."

By Mr. MOORE:

Q. What is the date of that warrant?

A. March 27th, 1879.

By Mr. SMITH:

Q. Do you know this man, William E. Smith, who he is?

A. I know him by reputation.

Q. Is he a relative of Smith M. Weed?

A. Not as I know of.

Q. The Dickson Manufacturing Company, do you know that that Dickson is a relative of Thomas Dickson?

A. No, sir, I don't know; I know there is such a man as Thomas Dickson.

Q. Do you know whether that signature Dickson to that voucher — do you know whether he is a relative of Thomas Dickson?

A. No, sir; the name here is George L. Dickson.

By the CHAIRMAN:

Q. You don't know who the Dickson Manufacturing Company are, do you?

A. No, sir, I do not.

By Mr. HAYES:

Q. Let me ask, for information, whether there is any connection between Dickson, the president of the Delaware and Hudson Canal Company, and this Dickson?

A. No, sir, not as I know of.

Mr. Merriman was here excused.

The next witness who was examined was *William F. G. Shanks* who, being duly sworn, testified as follows.

Examined by Mr. SMITH.

Q. Where do you reside?

A. In Brooklyn?

Q. And do business in New York?

A. Yes, sir.

Q. What is your business?

A. I am a journalist and city editor of the *Tribune*.

Q. How long have you been in that position?

A. About ten years.

Q. How long have you been upon the *Tribune*?

A. Since 1869.

Q. When was your attention as editor, city editor, of the *Tribune* directed to the matter of the Dannemora railroad?

A. If you will tell me the date of the first publication I will say it was about a week previous to that; it was in October, about the 24th. I don't remember exactly.

Q. It was a fact that certain publications were caused to be made in the *Tribune* by the managers?

A. Yes, sir.

Q. You may state the circumstances under which those were made?

A. Mr. Reid, the editor, had sent me one or two memoranda; I don't remember where they came from, and told me to investigate the matter; I did so with the assistance of Mr. Murlin, Mr. E. L. Murlin, who was one of my reporters.

Q. And this matter was first brought to the attention of Mr. Reid, the editor-in-chief, and he referred it to you, and you since that time have had charge of it?

A. Yes, sir.

Q. And the publications were made by your authority?

A. Of course, by Mr. Reid's; but he knew nothing about them until he saw them in print; when he sends me a matter of that sort to work up he trusts to my judgment about it and knows nothing about it personally.

Q. When you set about investigating this matter after it was referred to you, what was the first that you ascertained?

A. I don't know as I will be able to tell you that; I think the first person with whom I conversed on the matter was Senator Rockwell; he gave me a number of points.

Q. What point did you get from him?

Mr. HALE—I don't like to interfere with this investigation; but as to Mr. Rockwell's knowledge on this subject I think we ought to have it first hand and not dilute it through Mr. Shanks.

The CHAIRMAN—I supposed the object of this was to get Mr. Shanks' knowledge that he obtained from Mr. Rockwell.

Mr. HALE—I don't wish to be tyrannical, but a mere talk between a senator and a newspaper man is not evidence at all.

Mr. HAYES—I think the question here at issue is not the facts that Mr. Rockwell had in his position, but the information had by Mr. Shanks here as to the publications made in the *Tribune*.

Mr. HALE—I have no objections if the object of the testimony is only to prove that these charges were made in good faith.

Mr. RHODES—I understand the object of this committee to be to get at the facts.

The CHAIRMAN—I understand that to be the object of this committee, and to do that we must get all the points and bearings we can.

Mr. HALE—The point I make is that the talk between Mr. Rockwell and Mr. Shanks is not evidence.

Mr. CHICKERING—Do you raise any objection to getting the facts?

Mr. HALE—No, sir; but the conversation is not evidence of facts. If Senator Rockwell said certain things to him, we might

want to find out where he got it. He might have got it from one or another, and it is an endless chain of talk without any evidence of facts.

Mr. HAYES—Are these not evidences of facts since they were matters of publication?

Mr. HALE—Not in my view.

Mr. HAYES—They are if they are facts that come to his knowledge.

Mr. HALE—I merely wanted to make the suggestion, that if you want to get after facts, that the best way is to get at them by competent and legal evidence.

Mr. SMITH—I suppose that when this committee was constituted, by the house, they were not restricted by the code nor by the rules of evidence, and if the evidence given by such a gentleman, by Mr. Shanks, when he is the party who put the matter before the public, we shall be led to certain evidence to be opened up to us, then we have the power to call before us these parties that will throw direct light upon the subject.

Mr. RHODES—I agree entirely with the gentleman that this is just the line of testimony to be pursued, but I do not agree with him that Mr. Shanks should be allowed to go on and tell what Mr. Rockwell told him, but we should go on and find out where Mr. Shanks got his knowledge.

Mr. SMITH—I suppose Mr. Shanks is ready to state to the committee, if the committee please to hear it, what points were made by Mr. Rockwell.

The CHAIRMAN—I think that is perfectly proper.

The WITNESS—I was first referred to Mr. Rockwell and he gave me the general outline of this job. If you have got any specific questions to ask, I will be glad to answer them. Exactly what you want I don't know myself. Among other things that Mr. Rockwell told me was the fact that something like \$200,000 had been expended for building this railroad. That before it was completed, it was leased as stated in this article. Among other things he told me was that Smith Weed drew the bill and Mr. Mooers presented it, and he stated that the clause which authorized the leasing of the road was inserted by Mr. Weed when it was in the senate. Possibly if I had the memorandum which I have drawn up other things might be recalled.

Mr. RHODES—I move, Mr. Chairman, that we insert the article of the *Tribune* in the testimony and let Mr. Shanks go home.

The CHAIRMAN—What we want to get at is all the facts we can, and every thing bearing upon this question. It seems to me that it is important for this committee to get at all the facts, *pro* and *con* and every way.

Mr. RHODES—Suppose, after getting this thing out, that Mr. Rockwell comes before this committee and interprets it in an entirely different form?

The CHAIRMAN—We suppose that this committee will be able to judge as to what is true and what is not.

Mr. RHODES—It is unfair to allow this to go into the public prints at second hand.

Mr. CHICKERING—Unfair to whom?

Mr. RHODES—To these gentlemen.

Mr. HALE.—In doing this you are merely proving what people talk about, but it seems to me that if you are after the truth, that you cannot get at it by proving the statements of senators, or any other person. Mr. Rockwell was not under oath when he talked with Mr. Shanks; if you prove what he said, and Mr. Rockwell comes on and explains it differently, he was not sworn when he said it.

Mr. HAYES — I do not agree with you there, that this is not the business of the committee. They are here to get information. Charges have been made about this road in the public prints, and to get at these charges, whether they are facts or fancies, is in the province of this committee without the rules of evidence.

Mr. RHODES — I desire this to be put on record, if this is to be the form of the investigation, I move that the testimony of Mr. Shanks be stricken out, as to what Mr. Rockwell told him.

The CHAIRMAN — It seems to me that Mr. Hayes has stated this exactly, and it seems to me that, to get at these things, we must deviate from the rules of evidence to some extent.

Mr. RHODES — You cannot do it that way in my opinion. The rules of evidence in courts have only been brought about by reason of the fact that they are the only way by which evidence can be gotten at.

Mr. HAYES — We are not a court.

Mr. RHODES — I only desire that if the committee are to allow this kind of testimony that my objection shall go on record. To get at that I make the motion that the testimony of Mr. Shanks, as to what Mr. Rockwell told him, be stricken from the record.

The CHAIRMAN put the question to the committee, and the motion was lost.

The CHAIRMAN — Mr. Smith is here acting under a resolution of the house, to conduct this testimony, and we are here to sit as jurors, to a certain extent, and to get at this as best we can.

The WITNESS — It is not usual for the *Tribune* to give the names of the authors of any articles. Mr. Reid has authorized me to state that I wrote some of these articles, and some were written by Mr. Murlin. If you will pick out some of them, I will tell you about it. If there is any specific point that you want to know any thing about, I will tell you. My informants that I shall name are Senator Rockwell and Mr. Nelson, formerly member of assembly here, and another gentleman that I have not named. The *Tribune* is responsible for what that gentleman utters. It was confidential.

By Mr. HAYES:

Q. Do you mean to swear to this mere assertion as fact; coming as it does from an obscure and unknown interview?

A. I mean to state the views of some one. I believe them, but I do not know.

Q. And you refuse to give the name?

A. I do, most decidedly.

By the CHAIRMAN:

Q. I understand, Mr. Shanks, that these articles that were published in the *Tribune*, a large proportion of them were your own writing?

A. Yes, sir. Three were written by me and one by Mr. Murlin.

By Mr. RHODES:

Q. From whom did you get this information that you mention. Tell the name of the gentleman?

A. I will not answer.

Mr. RHODES — Mr. Chairman, I move that the gentleman be attached for the information because he will not answer.

The CHAIRMAN — Mr. Rhodes, if I understand it, it is right here. Mr. Shanks says that the information he received from the gentleman whose name he will not give, he believed, and that he is responsible for all that he said.

By Mr. HALE:

Q. I wish to ask what this responsibility is?

The CHAIRMAN — We want to get at the facts.

Mr. RHODES — Mr. Chairman, I ask you as Chairman of this committee, to direct the gentleman to give the name, in answer to the question that I ask him.

The CHAIRMAN — I desire to say here, that each and every member of the committee has the power to ask any question he may choose.

Mr. RHODES — Do you delegate to me the power?

The CHAIRMAN — I do, what power I have.

Mr. RHODES — I demand that it shall be answered. He states that there is some information that he received from one individual whose name he declines to give. I ask him to give that name.

By Mr. HAYES:

Q. Do you believe in the truth of the statement?

A. I do.

Q. And you swear to that statement to-day here as fact?

A. I do.

The CHAIRMAN — I will say here, that if any such question comes

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up, it is not for any one member of the committee, or for the chairman, or any such thing, but for the decision of the committee.

Mr. HAYES — I understand Mr. Shanks to say that he will be responsible for the statement of fact on which he based the articles in the *Tribune*, and under that circumstance, I am perfectly willing to forego the question of the name.

Mr. HALE — He says he don't know this from his own knowledge of the fact, except what a party told him.

Mr. SMITH — Mr. Rhodes has made a demand here, and I suppose that the only way to have the sense of the committee.

By Mr. RHODES :

Q. What is the name of the individual who gave you the information of the connection between Smith Weed and John O'Brien?

A. I decline to answer.

Mr. RHODES — I insist upon an answer. That is the only motion I make.

Mr. HALE — If I might suggest a point here, it would be whether, if by laying that motion on the table you would not lay the witness on the table, too.

Mr. SMITH — I suppose that if this question is to be acted upon, the committee should go into executive session, and the room should be cleared.

The CHAIRMAN — Exactly so.

Mr. RHODES — I am willing to waive the question for the present, and let us go on with the examination.

By Mr. SMITH :

Q. Have you in your possession a letter from the deputy secretary of State?

A. I have, I guess, one or two relative to it. There is two or three here.

Q. Relative to the incorporation of the Chateaugay Iron Company first, please?

[The witness here read the following letter:]

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF NEW YORK,
ALBANY, June 20, 1879. }

E. L. MURLIN, Esq. :

MY DEAR SIR — Yours of the 17th inst. is received.

The names of the incorporators of "The Chateaugay Iron Company" are: Smith M. Weed, Andrew Williams and Wm. Ernest Smith.

Very respectfully yours,
GEO. MOSS,
Deputy Secretary of State.

Q. Have you a further letter from him in regard to the railroad company, the Chateaugay Railroad Company?

A. Yes, sir, dated June 26th, 1879.

[The witness then read the following letter:]

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF NEW YORK,
ALBANY, *June 26, 1879.* }

E. L. MURLIN, Esq.:

MY DEAR SIR — Yours of the 25th inst. is received. The certificate of incorporation of The Chateaugay Iron Company is *dated* January 20th, 1877, and was *filed* in this office on the 22d of January, 1877.

The articles of association of the "Chateaugay Railroad Company" are dated May 15, 1879, and were filed in this office on the same day. The names of the incorporators are: Julius M. Noyes, of New York city; Thos. Dickson, of Scranton, Pa.; Andrew Williams, Plattsburgh, N. Y.

Very respectfully yours,

GEO. MOSS,
Deputy Secretary of State.

The WITNESS — I would like to say in explanation of this that Mr. Murlin, who was here at the last session of the legislature for the "*Tribune*" heard of this matter. In May or June of last year, he collected this evidence for our benefit, but a letter came from Mr. Gallien in explanation, and Mr. Murlin was satisfied with that explanation and pursued it no further. When I sent him at this matter he went at it. Something was said that this had been in the possession of the "*Tribune*" for some six months, but we had not had it, Mr. Murlin had it in his possession, and we didn't get it until we heard of this.

Q. Do you know Mr. Nelson's name?

A. I do not, exactly.

Q. What knowledge have you of his correspondence with Weed?

A. He simply said to me that Mr. Weed wrote to him and upbraided him somewhat for opposing this question; I understand it was on the subject of convict labor; Mr. Mooers had introduced this bill, and he said he sat upon it "like a hawk on a spring chicken" during the whole session; I think he spoke of its being a bill affecting their county, and he said Weed was very much interested in it, and wrote to him about his action in opposition.

Q. Is there a man of your acquaintance named Dunnell?

A. Yes, sir.

Q. What is his full name?

A. William E.

Q. And what is his residence?

A. He resides in New York; he is one of our reporters.

Q. Was there a time that he had an interview with Mr. Thomas Dickson?

A. Yes, sir; he had an interview with Mr. Thomas Dickson which he wrote out for me, a report which was never published.

Mr. SMITH — I was about to say that this is a report of an interview with Mr. Dickson.

The WITNESS — Mr. Dickson states that he published something of the same kind in the "*World*."

Mr. SMITH — I do not know what that interview is; I would suggest that Mr. Shanks tell us the substance of the interview, in order that we may see whether we send for Mr. Dunnell, and I would also suggest that the statement be not taken in evidence.

The CHAIRMAN — Is there any objection to that?

Mr. RHODES — Yes, sir; there is.

The CHAIRMAN — If there is no objection we will have it.

Mr. RHODES — I do object.

The CHAIRMAN — The question is, whether this question of Mr. Smith shall be answered.

[By a vote of the committee it was decided that the question should be answered.]

The WITNESS then read Mr. Dunnell's report of the interview for the information of the committee.

Mr. HALE — As conversations are to be testified to, I would like to have that go on the record.

The CHAIRMAN — I don't understand that Mr. Smith asked to have it a part of the record.

Mr. HALE — I ask that having been read, it be a part of the record.

The CHAIRMAN — It was decided by the committee that it be not a part of the record; now Mr. Hale makes a request that it be a part of the record, and now the question is upon its going on the record.

Mr. HALE — I suppose there is no member of this committee in regard to this investigation but what is fair. Before going into this evidence, the committee (as they had the right to do) decided that they would admit this evidence, although not according to the strict rules of evidence. Now, a statement has been read for the information of the committee, and as to that information, all those here present know that it may be, that there are some statements in that interview which do not conform exactly to the ideas which some members of the committee have formed. If it is true, I submit that it is no reason why this statement should be excluded from the record. We have other statements (for instance, one made by Senator Rockwell) which have, under my objection, been received and made a part of the evidence. Now I ask the committee if a statement that is favorable to the parties should be excluded for that reason?

Mr. HAYES — You overlooked the fact that these statements of

Mr. Rockwell, whose name was given, and of another gentleman whose name was not given, were made the subject of the charges, and this one has not been published.

Mr. HALE — I leave the matter entirely to the committee; I simply make a suggestion.

The CHAIRMAN — Is there any objection on the part of the committee? As far as I am concerned, I desire to say this, that I wish every thing fair and right; that is to say, I do not like to let any thing go that may have a bearing upon this matter; so far as I am concerned, I have no objection to its being made a matter of record.

Mr. HAYES — I don't object.

Mr. RHODES — I objected, but was voted down. Now it does not seem to be any thing I care any thing about; I don't object.

The CHAIRMAN — If there is no objection, the stenographer may take it

The interview was then put in evidence, as follows:

In regard to his connection with the leasing of the Dannemora railroad to the Chateaugay Railroad Company, of which he is president, Thomas Dickson, president of the Delaware and Hudson Canal Company, said yesterday that Superintendent Pilsbury first wrote to him in February or March of this year. The letter of Mr. Pilsbury proposed no terms, but was merely an inquiry whether the officers of the canal company would entertain any proposition for the leasing of the Dannemora railroad. To this letter Mr. Dickson said that he at once replied that the canal company could not operate the road to its own advantage. In answer to a later letter from the superintendent, Mr. Dickson, on April 2, wrote, in effect, that while the canal company could not operate the Dannemora railroad advantageously, he thought that the company, which proposed to build a line westward to a connection with the Ogdensburg railroad at Chateaugay, could be induced to connect, instead, with the Dannemora road to Plattsburgh. "I know nothing," said Mr. Dickson, "of Mr. Weed's connection with the building of the Dannemora railroad; I do know that he was opposed to the leasing of the road as an outlet for the Chateaugay mines. He preferred the proposed connection with the Ogdensburg railroad, because that line would have passed both the mines and the forges. The present road to Plattsburgh is not within four or five miles of his forges. It was manifestly to his interest to favor the extension to Chateaugay, and he had several conferences with the directors of the Ogdensburg railroad in regard to building it. If it had not been for a quarrel among the directors of that company, I am not sure that that route would not have been adopted."

Mr. Dickson had secured a loan upon the property of the Chateaugay Iron Company, upon the conditions that the money should be expended under his supervision, and that an outlet should be secured either by way of Plattsburg or of the Ogdensburg railroad.

Mr. Dickson's interest in the New York and Canada railroad led him to favor the Plattsburg route upon the adoption of which he insisted.

His letter of April 2d, to Superintendent Pilsbury resulted in the preparation of a lease of the Dannemora railroad, which was submitted to Mr. Pilsbury. The lease was still in Mr. Pilsbury's hands when Mr. Dickson wrote a letter, addressed jointly to the governor, comptroller and attorney-general, in which he offered to lease the road at a nominal rental. After some slight changes, which were assented to by Mr. Dickson, had been made in the terms of the lease, the instrument was executed. Mr. Dickson said that the lease was executed in May or June, and that the Chateaugay company took possession of the road on July 1.

In conclusion Mr. Dickson said: "Whatever Smith M. Weed's political sins may have been — they may be great — the leasing of this railroad is not one of them. If any one man was responsible for it, I am that man."

The WITNESS — The only use I made of that interview between Mr. Donnell and Mr. Dickson was to establish that on April 2d, Mr. Dickson made a proposition to lease this road for a company which did not exist until a month and a half after. This company which proposed to lease the road was not incorporated at that time.

By Mr. HAYES:

Q. Is it on record what time the company was incorporated?

A. May 15, 1879; the proposition to lease was on April 2d.

Q. Do you know what time the consent to that lease was obtained, either of the governor, comptroller or the attorney-general?

A. I do not; except that Mr. Dickson states the lease was completed in May, although dated July 1st.

By Mr. CHICKERING:

Q. Were you not to examine about the date?

A. I think it was dated in May; it didn't go into effect until July 1st; the point that I used it for was to show that the proposition to lease the road was for a company which was not incorporated until a month and a half after.

By Mr. HALE:

Q. Perhaps you were not aware that these people proposed to incorporate a company as soon as they could find out which way would go, and until they did that they could not incorporate — until the *termini* and the general location is established, they cannot make a corporation?

A. I was not aware of it. I did not know about that. As I understand the facts, the road went into operation the 1st day of January, 1879, and in February Mr. Pilsbury made a proposition to

Mr. Dickson to lease it, and Mr. Dickson declined to, and in his letter to the *World* uses the expression that "it was not worth a dime," and on the second of April, Mr. Dickson opens negotiations with Mr. Pilsbury for the leasing of it to a company that was not organized.

By Mr. SMITH :

Q. Did you receive a letter from one M. G. Everts?

A. Yes, sir.

Q. You have this letter with you, have you?

A. Yes, sir.

[The letter was here read in evidence, as follows:]

"RUTLAND, Oct. 26, 1879.

"I send you herewith what I heard at Chazy lake last May, and after seeing your article of yesterday it occurred to me that S. M. W.'s anxiety to have the appropriation bill signed was with a view of leasing the railroad.

"But don't it seem impossible that a model governor should sign bills as a special friend of anybody, and then that his friend should reap such immediate advantage?

"Yours truly,

"M. G. EVERTS."

"Make such use as is for your advantage, if any, of this information. I can fully substantiate what I have written by undoubted testimony.

"Yours,

"M. G. E."

"On reading your article containing the account of 'How Smith M. Weed stole a railroad,' I remember a matter which occurred on about the twentieth of May last. In company with a friend, we rode over the railroad from Plattsburgh to Dannemora, stopped at a hotel by the side of the prison kept by a man by the name of Bromley; on our way to Chazy lake a man approached us at Dannemora and asked if we wanted any guides? We replied no; that we were provided at Fourniers at the foot of the lake. I had a guide and boat, as also did my friend. On the first or second day following a person, who turned out to be the man I had seen at Dannemora, was also fishing near the head of the lake. My guide said to me 'that is my father.' We all pulled ashore at a deserted shanty for a lunch. The old gentleman was quite communicative. I made various inquiries about the region, prison ore beds, State lands, etc. My guide informed me that his father was an old line whig, turned democrat, and a great friend of S. M. W. The old gentleman went

on to tell of the ore beds, the projected railroad to the beds near the line of the lake and toward Chateaugay lake, in which he said S. M. W. was interested, and further said that the legislature had passed a bill appropriating, I think, about \$200,000 for the extension of the prison, and that S. M. W. told my informant 'that he had written Gov. Robinson that he wished him to sign the bill as a special favor to him, W.' No ground was broken at the time for the extension of the railroad to the ore beds. The young man, my guide, was a republican and quite disgusted that his sire was in such political company. The names of the parties were Turner, and I think well known in all that region. The old gent's relation of matters seemed to be the truth, though communicated to a stranger. There was other talk of cipher dispatches and other matters having no relation to railroads or prisons."

RUTLAND, Oct. 26, 1879.

Editor Tribune :

DEAR SIR—I sent you a communication to-day ; in addition I will say, at the suggestion of friends, that I have taken the *Tribune* from the first day of its publication, and have files of the same to the present time, and had an acquaintance with Horace Greeley for more than twenty years, and for my character for integrity, will refer to ex-Governors Smith, Page, Stewart, Governor Proctor, Senators Morrill and Edmunds, and every prominent citizen of Vermont.

Yours truly,
M. G. EVERTS.

Q. That letter is signed by M. G. Everts, is it not?

A. Yes, sir; Rutland, Vermont.

Q. I don't think it is yet in evidence when the last appropriation for this Danneborra railroad passed the senate and became a law; can you give us any information on that? You have a telegram I believe, from the deputy secretary of State; when was that last appropriation signed?

[The witness here read the telegrams in evidence, as follows:]

ALBANY, N. Y., Oct. 1879.

E. L. MURLIN, *Tribune Office, N. Y.:*

Chapter 272 was approved May 13, 1879, except as to certain items vetoed; chapter 346 approved May 21, 1879. We advertised constitutional amendments with chapter 320, Laws of 1879, Judge second district in session law papers as required by law. *Tribune* article of to-day does Secretary Beach a gross injustice.

GEO. MOSS,
Deputy Secretary of State.

Q. What was your authority for saying that O'Brien told Kearney and Major Quincy that unless he voted with the Robinson wing of the State committee he would lose his contracts?

A. Major Quincy resides in New York and is a strong Kelly man. Mr. Kearney also lives there, and is also a strong Kelly man.

By Mr. HAYES:

Q. You mean Ed. Kearney, the politician?

A. That is what we call him.

By Mr. RHODES:

Q. Have you given us the names of all the persons whose articles have appeared in the *Tribune*, except the gentleman whose name you refuse to give?

A. I believe so. I know of none of any importance.

Q. Have you read before the committee all the papers that ever came to your knowledge on the subject?

A. No, sir.

Q. What are they?

A. I have a letter here written by Gallien, Henry Gallien, the deputy comptroller, to Mr. Murlin, and it is a very good defense.

Q. What date was that letter?

A. It was one of the original documents collected by Mr. Murlin; June 23d, 1879.

By Mr. HALE:

Q. That is Gallien's letter?

A. Yes, sir.

Mr. RHODES — I ask to have this letter received with the rest of them.

The CHAIRMAN — If there is no objection, the witness will read the letter, and it will be put in evidence.

[The witness then read in evidence the following letter:]

STATE OF NEW YORK:

COMPTROLLER'S OFFICE, }
ALBANY, *June 23d*, 1879. }

E. L. MURLIN, Esq., *New York*:

DEAR SIR — Yours of 19th inst. is at hand. I give you, in part, the information desired.

1st. The appropriations for the Plattsburgh and Dannemora railroad amount to \$169,852.34, exclusive of \$23,000 for operating expenses.

2d. The road is leased for 100 years from July 1st, 1879, to the Chateaugay Railroad Company, in pursuance of chapter 148, Laws of 1878. The terms in general are as follows: If covenants and agreements are not kept and performed, the State may terminate lease on six months' notice. Within one year from May 20, 1879, the lessees agreed to construct a road to connect with the western terminus of State road, and as far as west line of State lands in township five, old military tract, known as the Rogers purchase (10,000 acres), and extend said road, within two years, to the Chateaugay ore mines. At least one passenger train shall be run each way daily, Sundays excepted, and as many freight trains as may be required to transact the business of the road without unnecessary delay. The fare is not to exceed five cents per mile. All prison supplies are to be transported without charge, also the officers connected with the prison on official business, wood and timber from State lands, and all stone and other materials for building and repairs, and all articles furnished to, or manufactured by contractors at the prison, shall be transported at fair and reasonable rates and if such rates prove unsatisfactory, the superintendent of prisons and comptroller may fix such rates. The cost of transporting supplies to the prison yearly, for 10 years, cannot be ascertained without considerable time and labor. It may be stated as an item of importance in connection with this lease, that the convict labor which was contracted at 25 cents per day, prior to the construction of the road, now brings 40 cents per day, which results in a gain to the State of about \$15,000 per annum. It is estimated that it would cost, probably not less than \$1,500 per month in excess of earnings, to operate and maintain this road, to say nothing of claims which might be brought against the State in case of accident. If our answer is not sufficiently explicit, we will be pleased to give you any additional information at any time.

Most truly yours,

HENRY GALLIEN,

Deputy Comptroller.

Q. What was the gentleman's name to whom that was addressed?

A. Mr. Murlin.

Q. He is an employee of the "*Tribune*," and was at the time that was written?

A. Yes, sir.

By the CHAIRMAN:

Q. He is at present reporter for the assembly?

A. Yes, sir; he is in the assembly.

By Mr. RHODES:

Q. When did you first get an account of the letter?

A. When Mr. Murlin opened this up.

Q. Then the "*Tribune*" was in possession of this before these articles were published?

A. Yes, sir; I think you will find it in the second article; I am not positive.

Q. Are there any other letters which you have not brought to the notice of the committee in your possession?

A. Yes, sir; there are two more.

Q. From whom?

A. This one is marked "confidential."

Q. Does this refer to this same matter?

A. I can't tell you.

Q. Do you mean that you will not tell, or that you have not the information?

A. I won't tell. The information was never used.

Q. Do you mean to say that none of the facts stated in that letter were ever referred to?

A. No, sir, I am sure not. It simply was in regard to Weed's purchase of those mines from Rogers. There was a long suit between Rogers and Weed about them. It was in the nature of a confidential letter and we never used.

Q. You have another?

A. Yes, sir.

Q. From whom?

A. Mr. Barber.

By the CHAIRMAN:

Q. Is he the superintendent of the road?

A. He was at that time, or claimed to be.

Q. Is he now?

A. He claimed to be when that was written.

By Mr. HALE:

Q. Give us the date?

A. October 7th, 1879.

By Mr. RHODES:

Q. Does that letter refer to this matter?

A. Yes, sir. Oh! October 27th is the date. This figure 2 was very obscure here.

Q. Is that letter addressed to you?

A. It is addressed to Mr. Reid. I don't think Mr. Reid ever saw it. The gentleman receiving such things knew that it was to be turned over to me and simply gave it to me. I don't think Mr. Reid ever saw it.

THE CHAIRMAN — He has been superintendent ever since the road was commenced.

By Mr. RHODES:

Q. Do you know that none of the facts or circumstances referred to in that letter were referred to in the articles of the *Tribune*?

A. Yes, sir.

Mr. RHODES — I ask to have it read.

The CHAIRMAN — If there is no objection the letter will be read in evidence.

[The letter was then read in evidence as follows:]

DEAR SIR — My attention has just been called to your article in relation to the leasing of the Plattsburgh and Dannemora railroad, contained in your issue of October 25th.

I am a member of the republican party, but I regret that such a communication should have been published just now, by a republican paper, for political effect. However, I believe that the *Tribune* only desires to ascertain the facts of the transaction, and therefore address you for the purpose of correcting several errors which have crept into your statement, leaving to others the task of defending the policy of the construction of a railroad by the State.

The legislature of 1878 passed an act authorizing the construction of a railroad from Plattsburgh to the State prison at Dannemora, and authorizing the superintendent of State prisons to lease such railroad, when constructed, with the consent of the governor and comptroller. You will remember that the arguments which were made at the time this act was under consideration, in favor of the construction of the railroad, to have been, that the prison at Dannemora had cost the State one million of dollars; that owing to its isolated situation, the State had to pay excessive freight charges upon all the supplies for the prison, and upon all articles manufactured there; that no remunerative contracts could be obtained for prison labor, and that unless some mode of relief could be devised, this prison would be abandoned, and a new prison constructed which would cost the State a million of dollars. The act of 1878 was therefore passed, and under its authority the Plattsburgh and Dannemora railroad was built from Clinton prison to Plattsburgh, a distance of seventeen miles, and was completed December 30th, 1878, at which time I took charge of the road as superintendent, and operated it for the State until July 1st, 1879, when the lease to the Chateaugay Railroad Company took effect. During this time, from December 31st, 1878, to July 1st, 1879, the road was operated with strict economy, as it was the earnest desire of Mr. Pilsbury and myself to make the earnings of the road pay the operating expenses, as nearly as possible; but notwithstanding all our efforts, there was a deficiency of over fifteen hundred dollars per month, which had to be paid out of the treasury of the State. It was thought that after the road had been operated for some time, the business might increase so as to pay expenses, and I made a careful examination of the

business and resources of the country along the line of the road, to ascertain whether there was any probability that the business of the road could be increased so as to pay expenses, and after such an examination I made up my mind that no business could be obtained for the road, at least for many years, which would pay operating expenses and relieve the State from a large annual deficiency. Such is still my opinion, which is corroborated by the results obtained by the Chateaugay Railroad Co., from July 1st. Since then the road has been running behind over five hundred dollars per month, although it has had the benefit of a large amount of business from the new road which has been constructed this summer.

Your correspondent was in error when he stated that a large income could be derived by the road from the transportation of ore from the iron mines near Dannemora. Those mines lie between Chazy and Chateaugay lakes, and not as located upon the map, published in your issue of Oct. 25th, at a distance of seventeen miles from Dannemora, on the only practicable route, instead of six as stated by your correspondent. Nearly all the products of those mines are transported to Chateaugay, a station upon the Ogdensburg and Lake Champlain railroad, and the Plattsburgh and Dannemora railroad operated by itself, as it was by the State, without railroad connection with those mines, could never have obtained much business from that source, as the distance to Chateaugay is about the same as to Dannemora, but the roads to the former station are much better and less mountainous. Last May the Chateaugay Railroad Company was organized for the purpose of securing railroad communication with their mines. Two routes were considered; one to Chateaugay station on the Ogdensburg and Lake Champlain railroad, and the other to Dannemora, the distance being seventeen miles either way. The latter route was finally adopted, and the Chateaugay railroad from Dannemora to the Chateaugay ore beds is now nearly completed. I have no doubt but that in time the Chateaugay Railroad Company, to whom the Plattsburgh and Dannemora railroad is leased, will be able to make this latter railroad remunerative in connection with the Chateaugay railroad, but the State had not the advantage of running in connection with another road, which is the connecting link between the terminus of the Plattsburgh and Dannemora railroad and the source of the business of the Chateaugay Railroad Company.

Two things must be borne in mind: first, that this increase of business will arise from the transportation of ore from the Chateaugay mines; and, second, that the Chateaugay railroad would have been built to Chateaugay station, on the Ogdensburg and Lake Champlain railroad, instead of to Dannemora, had not this lease been made, and all this business would have gone to the Ogdensburg road, and the State would have been obliged to run its road at a loss of at least \$12,000 per year for years to come. In May last, shortly after the organization of the Chateaugay Railroad Company,

Mr. Pilsbury, with the approval of the governor and comptroller, leased the Plattsburgh and Dannemora railroad to that company for one hundred years. By the terms of the lease, the Chateaugay Railroad Company agree to construct a railroad to the western boundary of the large tract of wild land owned by the State, a distance of about ten miles, within one year, to operate the Plattsburgh and Dannemora railroad, and the road which is to be built connecting therewith, as long as a prison shall be maintained at Dannemora; to transport, free of charge, all supplies for the prison, and all officers of the prison on official business, and to carry all materials and articles, manufactured at the prison by contractors, at reasonable rates, to be fixed by the superintendent of prisons and comptroller. The State thus gets all of its railroad business, which consists wholly of the transportation of supplies and the officers of the prison on official business, done free of charge under the lease, which was one of the objects to be effected by the construction of the railroad. The other purpose is also accomplished under the lease, as the State now receives from Carroll & Co. the sum of forty cents per day for four hundred and fifty convicts employed upon contract, as against twenty-five cents per day, which was all that was paid before the construction of the road. The additional amount paid to the State by that firm alone amounts to more than twenty thousand dollars per year. The State also saves by this lease the payment of a large annual deficiency, which would otherwise have to be met by a direct tax.

Your correspondent is in error in stating the cost of the construction and equipment of the road, which was \$170,000, instead of \$193,000; the other \$23,000 having been appropriated for the payment of the operating expenses of the road, as the statute provides that all the earnings of the road should be paid into the treasury instead of being applied, as far as they would go, toward the payment of expenses. The total amount of the earnings of the road from all sources, paid into the treasury from Dec. 30th, 1878, to July 1st, 1879, was \$4,775.91. I never said to your correspondent or to any other person that the road could be made to pay for itself in four years or in any other number of years; but I have said that the additional amount received by the State from Carroll & Co., as above stated, would repay the amount of the appropriation of \$80,000 for the road-bed in four years. In conclusion, I would say that, in my judgment, the leasing of the road, as stated above, was a wise and economical measure, and was very beneficial to the State.

Yours, respectfully,
H. BARBER, JR.

PLATTSBURGH, *Oct. 7th*, 1879.

By the CHAIRMAN :

Q. Do you know the man ; are you personally acquainted with him ?

A. I never heard of him until I got this letter.

Q. Do you know how he came to write this letter ?

A. He saw the article in the *Tribune*.

By Mr. RHODES :

Q. Are there any other letters or articles in your possession that you have not presented ?

A. Nothing except that I have declined to present.

Q. Do you know whether you had in your possession when you came on to the stand all the papers received by the *Tribune* in this matter ?

A. I know of nothing important ; when I was working up this matter there may have been some telegrams or something destroyed ; all the documents that I had I preserved.

Q. Was this letter received in due course of mail connection ?

A. I suppose so.

Q. I suppose you don't know exactly when it was received ?

A. No, sir.

Q. Was this letter printed ?

A. No, sir.

By Mr. CHICKERING :

Q. You printed some of it, didn't you, and made some comments on it ?

A. It is possible ; it has escaped my recollection if I did.

By Mr. HAYES :

Q. Were the articles making these charges, which are all familiar, based upon the evidence contained in these letters which you have read, and none other ?

A. No, sir ; I had valuable evidence from some parties, and also the session laws.

Q. Do you regard those letters as inculcating anybody ?

A. No, sir ; not as I know of.

Q. Then on what ground do you make these charges ?

A. I don't know what you call "charges."

Q. On the basis of those charges, the statement of facts there is very different from the letters read before the committee ?

A. I think not ; there may have been a difference in some of these letters that I did not use ; I was not going to print Mr. Barber's communication in regard to the road.

Q. If you have given us the only evidence, if you have founded your articles on what you seem to say ?

A. I have not stated all the evidence, only what is contained in these letters.

Q. In a letter that you have read, the name of Mr. Rogers has been mentioned?

A. I don't recollect that name being mentioned except in the letter of Mr. Gallien.

Q. Do you know of any relations existing between Mr. Rogers and Mr. Weed?

A. Nothing, except what I have been informed.

Q. Are you willing to state that information?

A. Yes, sir; but not the source.

Q. I would be glad of the information?

A. The information came to me that Mr. Rogers was the owner of the Chateaugay ore beds; Mr. Weed was his counsel; after some negotiations (pulling and backing the expression is), and bringing in persons to make false bids, Mr. Weed induced Mr. Rogers to sell him those mines for \$50,000; he became the purchaser and Mr. Rogers became dissatisfied, and brought suit against Mr. Weed; I think there was a suit pending for a good while, and finally, I think it was compromised.

Q. Was there any depreciation in the value of the property?

A. No, I think not, as Noyes advanced \$300,000 on it.

Q. That advance was made by whom?

A. Noyes, Dickson and others in New York, advanced, I think, \$300,000; my impression is that the suit with Rogers is a matter of record.

Q. That purchase was paid for in the shape of a note — do you know of that fact?

A. I have got a vague impression that my informant said they were settled by a note, but I don't know any thing about it.

Q. You don't know any thing about Mr. Tilden being the indorser of that note?

A. No, sir, I don't; but I would like to.

Q. I only wanted you to state whether you did know it was a fact?

A. No, sir, I did not.

By Mr. HALE:

Q. Mr. Shanks, you are the city editor of the *Tribune*, I understand you to say?

A. Yes, sir.

Q. Was it within your province, ordinarily, to investigate matters of this kind which were away from the city?

A. No, sir; but having a large number of men under my direction, it would be possible for me to send them out; it is not usual, but still it is done; reporters are sent out for political information.

Q. Then you regarded this as political information?

A. Yes, sir.

Q. This was designed, this investigation which you made for political purposes — that which was made at Mr. Reid's request; was it made for political purposes solely?

A. We thought it was a good campaign document.

Q. When was this interview which Mr. Murlin had with Mr. Dickson?

A. Donnell?

Q. Donnell, yes?

A. I don't know, but it was just previous to the publication of the last article.

Q. Is that your best recollection, that it was as late as that?

A. I think so.

Q. Did you publish that interview with Mr. Dickson?

A. No. The reason I did not was because Mr. Dickson had published about the same thing in the *World*, and I didn't republish it.

Q. Did you republish that letter in the *World*?

A. I don't think we did.

Q. If you did not publish that article from the *World*, why did you not publish this?

A. I decline to answer.

Q. I understand you that this investigation was commenced by Mr. Murlin, in June?

A. Some time previous to that, I guess.

Q. Those letters that were addressed to Mr. Murlin by Mr. Gallien seem to be dated in June?

A. I think they are in June; I am not sure.

Q. That investigation was stopped, I understand.

A. No; Mr. Murlin never spoke to me about it. He had heard something about it in the session, and after the session closed he made some inquiries about it, but he never brought it to my attention.

Q. For all your being city editor, he would not have informed you?

A. No, sir. When he was here he was not under my direction.

Q. You don't know whether he reported these articles to any member of the *Tribune*?

A. He told me he did not.

Q. You have no personal knowledge about it; the investigation which was then commenced was not renewed until late in October?

A. No, sir.

Q. When you renewed in October you got these from Mr. Murlin?

A. Mr. Murlin turned them over to me.

Q. It was not published until October, Mr. Gallien's letter?

A. I think it was published in the second article.

Q. Will you look at this slip, which seems to be from the *Tribune*, and say whether this article, entitled "Grabbing a Railway," was written by you, Mr. Shanks; the one that contains the map?

A. The article, as far as the details of Mr. Weed's operations, was written by me.

Q. Did you write this paragraph: "Mr. Weed was present in the legislature which authorized the building of the road, drew the bill appropriating money for the construction of it, induced Mr. Mooers, of Clinton, to introduce it, and watched its progress with such anxiety as to lead to the suspicion that he had something more than a legislator's interest in it?"

A. Yes, sir, I wrote that.

Q. By whom were you informed that Mr. Weed was present in the legislature?

A. Mr. Murlin.

Q. Was it intended by that remark to convey the impression that he was a member of the legislature?

A. It was not. It is open to that construction.

Q. "Drew the bill appropriating money for the construction of it;" where did you receive that information?

A. From the confidential source I mentioned.

Q. That is from the person whose name you refused to mention?

A. Yes, sir; but since I published that, he tells me that I misunderstood him, that he said that Mr. Weed inserted the clause as to the lease, and Mr. Rockwell was his informant.

Q. Did Mr. Rockwell inform you that he had knowledge that Mr. Weed inserted that clause in the lease; did he say he saw him do it?

A. No, sir; he said it was done in the senate committee.

Q. Was it a committee of which Mr. Rockwell was a member?

A. I don't know.

Q. But it was a point of his own knowledge?

A. I don't know about that; he said Mr. Weed inserted that clause.

Q. Did he leave an impression on your mind that it was a matter within his own knowledge?

A. I can't say.

Q. Did he say it was in Mr. Weed's handwriting?

A. No, sir.

Q. Did he say that he saw Mr. Weed write it?

A. No, sir.

Q. Did he assert it as a fact that Mr. Weed inserted that clause in the senate?

A. Yes, sir.

Q. To whom did you refer in this paragraph "that it would seem as though he had more than a legislator's interest in it?"

A. To Mr. Weed.

Q. Wouldn't that imply that he was a legislator?

A. Yes; that would also imply Mr. Mooers.

Q. Did you mean to imply that Mr. Mooers had any interest more than a legal interest?

A. No, sir; no more than a legal interest and a legislator's interest in it, because it was in his locality.

Q. If it was open to that construction, that Mr. Weed was a legislator, it was not intentional?

A. No, sir; it was not intended.

Q. You had no information in regard to this subject, except what you have stated to the committee?

A. No, sir.

Q. You have not stated all your sources, but you have stated all the information that you had?

A. I can't recall any others. I received some dispatches calling my attention to it. I had one or two dispatches from General Moffatt of Plattsburgh in answer to dispatches I sent to him.

Q. Did you, in all your investigation, apply personally to Mr. Dickson, or to Mr. Weed, or Governor Robinson, or Comptroller Olcott, or Mr. Pilsbury, for information?

A. No.

Q. Did you apply to any person for information who had actual knowledge upon the subject of which you wrote?

A. Those that I have named.

Q. Did you understand that those that you have named had actual knowledge on the subject?

A. I certainly inferred so from their statements.

Q. Who did you infer had actual knowledge?

A. Rockwell, and Nelson, and Quincy, and Dickson.

Q. You didn't interview Dickson yourself?

A. No, sir.

Q. And didn't use his statement at all?

A. No, sir; I only considered it an important fact.

Q. Why did you consider it an important fact?

A. Because Mr. Dickson, after refusing to lease a road "that was not worth a dime," made an overture for leasing it.

Q. Suppose it turned out, that after this statement that it was not worth a dime, he had loaned money to the Chateaugay Iron Company, on condition that a road should be built, and that a company could not be formed until the route was determined upon, and that was not decided until the fifteenth of May, and then it was decided that they should go to Dannemora and lease the road from the State, would not that make what you call the important fact, that the railroad company was not organized at the time of the proposal to lease the road?

A. I might have considered that as a defense in some degree.

Q. Was it a thing that needed any defense; if it was brought around under the circumstances that I have told, did it need any defense?

A. These circumstances did not appear at the time.

Q. Now that they do appear to you?

A. That is my opinion.

Q. When you wrote that, do you mean to say when you wrote those articles which you published in the "*Tribune*" you had had no information that a route to Chateaugay had been contemplated instead of the route to Dannemora; when you wrote those articles had you not been informed that these persons who owned the iron property at Chateaugay lake had contemplated building a railroad to Chateaugay instead of Dannemora?

A. Yes, sir; I knew it from Mr. Barber's letter.

Q. Were you aware of the fact, that under the general railroad law of this State, a railroad company cannot be organized without determining and specifying a route?

A. No, sir; I was not aware of that.

Q. Are you acquainted with this Mr. M. G. Everts?

A. No, sir.

Q. Do you know his handwriting except from these pencil memoranda?

A. I do not.

Q. Do you know that these pencil marks which you present here as his letter were ever written by M. G. Everts?

A. I do not; I didn't send to Rutland to investigate it.

Q. Did you receive and open the letter yourself.

A. I can't say; they were sent to me by the gentleman who opens the letters.

Q. This letter is written in pencil upon one side of several sheets of legal cap, not in the form of ordinary men?

A. There is a letter which he writes, and another explaining what he offers for publication; we published the letter.

Q. Did you consider this an important communication?

A. Not exactly important, but interesting.

Q. The statement of what an old man had said when fishing at Chateaugay lake?

A. An interesting thing — not very important.

Q. Whose indorsement is this upon this letter?

A. I don't know; (after looking at the letter) it is mine.

Q. That indorsement is "M. G. Everts — Weed's telegram to the governor," from that I consider that you considered what Weed had telegraphed to the governor as the important part of this letter?

A. Yes, sir.

Q. The only point you had in regard to Weed's telegraph to Governor Robinson asking him to sign that bill, was what a boy had said that his father had told him when fishing at Chateaugay lake?

A. Yes, sir.

Q. Did you consider that sufficient evidence on which to charge improper communication with the executive officer?

A. I don't know that it is improper; perhaps it is a proper communication; I have no doubt but many a governor has received telegrams.

Q. Wouldn't you consider it an improper communication to urge

the governor to sign a bill in consideration of one man's pecuniary interest, and which appropriated the money of the State?

A. No, I can't say that I should consider it improper, any more than to speak to him in his own interest.

Q. Do you know who called Mr. Reid's attention to this in the first place?

A. I can't tell you; Mr. Reid sent me several memoranda he had without signature.

Q. And with the request that you should work them up into an interesting campaign document?

A. He didn't say about that.

Q. But that you would investigate?

A. He directed me to investigate it, yes, sir.

Q. Didn't you state that Mr. Rockwell told you that Smith Weed drew the bill?

A. I stated that Mr. Rockwell told me that he inserted a clause; another informant told me that he drew the bill, but he since has told me that I was mistaken, and I have published a statement to that effect.

Q. The person whose name you refuse to give, as I understand you, gave you no information except as to the relations between the contractor, O'Brien, and—

A. No, I don't say that.

Q. I understood you to say that?

A. Oh! no.

Q. Afterward you mentioned that he said that Weed inserted that clause about leasing the road?

A. Yes, sir.

Q. Afterward I understood you to say this was all you learned from him?

A. No, sir.

Q. What other facts besides those you have mentioned did you learn from this person whose name you refuse to give?

A. I stated that—

Q. Any thing besides that; I don't ask you to repeat?

A. Well, you will find a statement there, that among others who opposed the bill were assemblymen Grady, of New York, and Nelson, of Rockland; they opposed it on the ground that it encouraged convict labor; and then on the ground that it gave the superintendent of State prisons power to lease the road; "the contract to build the road was given to John O'Brien (Smith Weed's personal representative on the Robinson State committee), and to Ryder, O'Brien's father-in-law, on terms and after competition not yet made public by any of the several defendants of the 'grab;' " that was on this authority, and you will find there under the date of May 15th, 1879, "the Chateaugay Railroad Company was incorporated one month and a half after Dickson communicated with Robinson, Olcott, Pilsbury and Schoonmaker, offering a nominal rental; Andrew Williams

(Weed's partner), Thomas Dickson (Weed's client and partner in the Crown Point Iron Works), and Julius M. Noyes (Weed's creditor), incorporators ; " that came from that confidential source.

Q. That is all you know about Noyes' being Weed's creditor?

A. I think Dickson also stated to Donnell that Noyes advanced the money on this property ; that he advanced the money, and that he and Dickson went into this to get it secured.

Q. There is a statement under date of February, 1879, that Mr. Dickson, president of the Delaware and Hudson Canal Company, bore the relation to Smith Weed of personal counsel and client, and associate stockholder in the Crown Point Iron Company ; in regard to most of this, you have no evidence of the facts except those statements of these gentlemen?

A. No, sir ; the statement in regard to Mr. Mooers being a partner of Weed in the drug business came from that source.

Q. I think, as long as you made that statement about Mr. Mooers and Mr. Weed being partners, on the authority of this statement (and you thought it was good authority), and as these gentlemen have said that it was not so, not a particle of truth in it, I think you ought to give the name of the party?

A. I shan't do it.

Q. Suppose you had Mr. Mooers' statement under oath, and Mr. Weed's statement under oath —

A. You need not go further ; Mr. Mooers' statement not under oath would satisfy me.

Q. Were these statements of this gentleman made simply as matters of his understanding, or of his own personal knowledge?

A. Mostly of his own knowledge ; he was in a position to know.

Q. Isn't it a rule among newspaper men, as you understand it, that you never retract any thing, and never take any thing back?

A. If we can possibly avoid it ; the rule in the *Tribune* office is always to make a correction where it is wrong.

Q. You never refuse?

A. Never ; it is one of the most strict orders that Mr. Reid gives to every one of us ; I have had to do it myself ; if Mr. Mooers has denied that he is a partner of Mr. Weed, it shall be corrected immediately.

Mr. MOOERS — They say they don't make the charges which I said they did, except inferentially ; he says here several members of the legislature have profited by the rise in timber and lands along the line of the road.

By the CHAIRMAN :

Q. Had you any reference to Mr. Mooers at that time?

A. I am pretty certain that it was not written by me ; it was in that article, but I did not write it.

By Mr. HALE:

Q. This Mr. Rogers that you referred to is dead, is he not?

A. I don't know.

Q. Who drew the map?

A. I can't tell you; a man by the name of ————, I think, was the engraver.

Q. Had he ever been in that country?

A. I don't know that I care to go.

Q. Where did he get his data for drawing the map?

Q. It was a map we had in the office.

By Mr. MOORE:

Q. You stated that it was six miles from Dannemora to the works; where did you get that authority?

A. I didn't state it; it was in my article, but some one else wrote it.

Q. Wasn't there a communication came to you, to the "*Tribune*," from Plattsburgh?

A. Yes, sir; I am not the author of it.

Q. Wasn't it written by a reporter of the *Tribune*?

A. I don't know the communication to which you refer.

Q. In regard to this statement which you make in one of your articles; it is a little blind as to whether it refers to Mr. Weed or myself, in regard to having more than a legislator's interest in the measure; do you say he was in the legislature?

A. No, sir; he only was about and acted; it was only intended to refer to Mr. Weed, but it may bear two or three constructions; when you have Murlin on you can ask him about that.

Q. "Mr. Weed was present in the legislature which authorized the building of the road, drew the bill appropriating money for the construction of it, and watched its progress with such anxiety as to lead to the suspicion that he had more than a legislator's interest in it." I understand you to say possibly that might have referred to me?

A. Yes, sir; I say that upon the authority of the statement of Mr. Nelson, that you were extremely active in the bill, and had a very fatherly interest in it.

Q. If it did refer to me —

A. It didn't; I have said so.

By Mr. HALE:

Q. I am to understand that he says it might possibly bear that construction?

A. Yes, sir.

By Mr. MOORE:

Q. In view of the fact that when the bill was on its third reading, it failed for want of one vote, and the fact that it received only

seven democratic votes out of the number, does that prove that Mr. Weed had taken a very active interest in the bill up to that time?

A. I don't know as it would; democrats didn't vote for bills encouraging prison labor.

Q. You say that Senator Rockwell stated that the clause authorizing the lease was put in as an amendment in the senate; now, in view of the fact that the bill was introduced in the house, and passed the senate without amendment, what would you say about it then?

A. I should say that Senator Rockwell was mistaken, but he so informed me.

By Mr. HALE:

Q. I understand you to say that you didn't intend, in writing that sentence, to make any intimation that Mr. Mooers had any financial or improper interest in the bill?

A. No, sir. On the contrary it was so clear in my mind that Mr. Mooers hadn't any interest, in that in writing a subsequent article, I used an expression that was intended expressly to relieve Mr. Mooers from all responsibility. The idea was clear in my mind that Mr. Mooers had no financial interest.

By the CHAIRMAN:

Q. I think you stated that this article or these articles that was published in the *Tribune* was published as all other articles, as a matter of news?

A. Yes, sir.

By Mr. MOOERS:

Q. Were they not for the purpose of a campaign document?

A. No, sir, for a matter of news.

Q. Did you never talk with Mr. Arthur about it?

A. I don't think I ever spoke to Mr. Arthur about it in my life.

Q. Didn't you have a conversation with Mr. Hepburn of the special railroad committee?

A. I never met Mr. Hepburn in my life.

By the CHAIRMAN:

Q. Your information in regard to leasing the road you received from Mr. Rockwell?

A. Yes, sir, and from this confidential informant who told me that Mr. Rockwell told him.

By Mr. HALE:

Q. You mean that Mr. Rockwell told you this verbally?

A. Yes, sir.

Q. When you say you published it as a matter of news, do you mean exactly that?

A. Yes, sir, it was good news.

Q. I suppose the object of the newspapers is to publish these things as soon as they occur?

A. Yes, sir, as soon as we find it out to expose it. The reason we didn't do any thing about this was because I thought we would find out more about it. Mr. Murlin believed what Mr. Gallien said in his special pleading.

Q. A statement of facts that don't sustain what you propose to prove you call a special pleading?

A. No, sir.

Q. This letter of Mr. Gallien, you call this a special pleading?

A. Yes, sir.

Q. Is a defense essentially a special pleading?

A. No, sir.

Q. Is there any thing false in his statement?

A. No, sir.

Q. If he stated the truth, was that a special pleading?

A. He may not have told the whole.

Q. If he told the whole of it and concealed nothing, why do you call it a special pleading?

A. Because it looks like one.

Q. Do you call Mr. Barber's letter a special pleading?

A. Yes, sir.

Q. If Mr. Barber's letter states the whole truth, why do you call that a special pleading?

A. Because it seems to be so on the surface.

Q. You characterize Barber's letter as a special pleading; Mr. Barber was in a position in which he knew all these facts?

A. Yes, sir.

Q. Didn't he state them true?

A. I don't know.

Q. Supposing he did state them true, does that constitute a special pleading?

A. No, sir.

Q. What did you consider this investigation for?

The CHAIRMAN — He stated that he considered it as a matter of news.

By Mr. HALE:

Q. Was that all the reason?

A. I can't state exactly what was in my mind.

By Mr. MOORE:

Q. What construction do you wish to place upon this statement here, which you say almost proves that the road was paying its expenses?

A. Because they were paying almost enough to pay the State the amount that was used in constructing it.

Q. Wasn't it stated in Barber's letter that the sum that Carroll paid to the State would pay for the road-bed in four years?

A. Yes, sir; that was in Barber's letter, and was inserted.

Q. "The road seems to be paying very nearly its operating expenses;" what do you mean by that?

A. Because the income from this hat contract to the State had increased the revenue so much.

Q. Yes, but the lease kept it there?

A. I don't think so.

Q. The lease required every thing to be carried free to the prison, and the contract was in operation?

A. Yes, sir.

Q. Isn't this a fair construction, that you mean to say that the leasing of that road prevented the continuance of that paying of the operating expenses of \$23,000?

A. No, sir; the idea of building the road was to make the prison remunerative, when it had not been so, according to Mr. Barber's statement. Now, here is a road just built for that purpose, which is leased for a dollar a year for a hundred years.

Q. Before this lease, in order to get the \$20,000 profit, the State had to expend as much in the construction of the road. Now it is leased they are still getting this, and don't have to pay it?

A. Yes, sir; but from the fact that it increased the value of the prison, a dollar a year was a small consideration.

Q. Was this confidential informant, whose name you refused to furnish, a discharged officer from the prison?

A. No, sir.

Q. Never has been an officer?

A. Never has been an officer.

By the CHAIRMAN: ♀

Q. Do you, of your own personal knowledge, know when this road was completed and put in running order?

A. I think it was on the 31st day of December, 1878, but not from my own knowledge. Mr. Barber so stated.

Q. When was it, to your knowledge, that there was first talk of leasing the road — how long after the 31st of December?

A. In February.

The committee then went into executive session, after which they adjourned until Thursday, March 4th, 1880, at 10:30 A. M.

SEVENTH SESSION.

THURSDAY, *March 4th*, 1880.

The committee met at the capitol in the city of Albany, at 10:30, A. M., pursuant to adjournment.

The Chairman, Mr. INGERSOLL in the chair.

Present—Messrs. INGERSOLL, CHICKERING, RHODES, POTTS and HAYES.

The committee was called to order by the Chairman, when the following proceedings were had :

Mr. RHODES—I move that the committee report to the house that Mr. Shanks, a witness subpoenaed before the committee, refuses to answer a question directed by the committee to be answered, and ask that he be brought before the house, to be dealt with as in contempt, as such witness.

After some discussion of the question by the committee in executive session, Mr. CHICKERING moved that the motion of Mr. RHODES lie on the table.

The motion was carried.

Mr. POTTS—I move that the committee adjourn until 3:30 P. M., when we will go into executive session.

The motion was carried and the committee then adjourned until 3:30 P. M. of the same day.

EIGHTH SESSION.THURSDAY, *March 4th*, 1880, 3:30, P. M.

The committee met at the capitol in the city of Albany, at 3:30 P. M., pursuant to adjournment.

The Chairman, Mr. INGERSOLL, in the chair.

Present—Messrs. INGERSOLL, CHICKERING, POTTS and RHODES.

The committee was called to order by the Chairman, at 3:30 P. M., and after some informal discussion on the part of the committee, the committee on motion adjourned until Wednesday, March 10th, 1880, at 4 o'clock, P. M.

NINTH SESSION.

WEDNESDAY, *March 10th*, 1880, 4 P. M.

The committee met at the capitol, in the city of Albany, at 4 o'clock, P. M., pursuant to adjournment.

The chairman, Mr. INGERSOLL, in the chair.

Present — Messrs. INGERSOLL, CHICKERING, HAYES, POTTS and RHODES.

Hon. MATTHEW HALE appeared as counsel for the Chateaugay Railroad Company.

Hon. HENRY SMITH, as counsel for Hon. Louis D. Pilsbury, and FRANK S. SMITH as counsel for the people.

The committee were called to order by the chairman at 4 o'clock, P. M., when the following proceedings were had.

The CHAIRMAN — Gentlemen of the committee, I understand that Mr. Rockwell is here before the committee, although not subpoenaed. In view of the testimony that has been submitted to the committee at the previous session, he desires to come before them, and testify to certain facts, and, if there is no objection, he prefers to be sworn now.

Mr. HAYES — I think it is perfectly proper to examine him, without any subpoena.

The CHAIRMAN — Mr. Rockwell is here present, and as a senator, if he desires to give his testimony now, he will please be sworn.

The first witness called was *Hon. Wm. W. Rockwell*, who being duly sworn, testified as follows :

Examined by the CHAIRMAN :

Q. You reside where?

A. Glen's Falls, Warren county.

Q. And your public position now is?

A. Senator of the 19th district.

Q. Without going into detail, we will allow you to go on and give a statement of this matter?

A. I am willing to answer any questions; I don't wish to volunteer any testimony at all; if this is all the testimony of Mr. Shanks [referring to the stenographer's minutes], I wish to say this, that after I had retired, at the Sturtevant House in New York,—the latter part of October, I think it was—I received a card from Mr. Shanks; the waiter rapped at the door after I had put out my light; I think I had been introduced to him [Mr. Shanks—(Sten.)] before; I am not positive, but I think I had, and he sent me a card with his

name, as reporter of the "*Tribune*:" I said to the waiter, that if Mr. Shanks wished to converse with me, he could come up into my room; I did not choose to get up to see any one; he came up into my room, and we had an interview for about five minutes; so far he tells the truth, that he met me under such circumstances.

He first says, "I met Mr. Rockwell, and he gave me a general outline of the job." I didn't give him any outline of "the job;" it was not spoken of as a job. "Among other things that Mr. Rockwell told me, was the fact that something like \$200,000 had been expended for building this railroad." I think I told him about \$193,000, as I now recollect it, had been appropriated for the purpose of building the road and stocking it, and that an appropriation of \$32,000 for running expenses, fences and all those things had been put in the supply bill. "That before it was completed it was leased as stated in this article;" he told me that he understood it was leased; I told him I had heard such a rumor, however I knew nothing of it except the rumor; I know nothing of the terms of the lease; I didn't know any thing of the terms of the lease, and never knew any thing about them until I saw this article in the *Tribune*; he asked me if I knew any thing about it, and I told him I didn't, but I presumed the lease was on record in Albany, and it would be a good place for him to go and ascertain if it was leased; he says "he told me that Smith Weed drew the bill, and Mr. Mooers presented it;" I never told him any such thing; I never knew who drew the bill, and didn't say that Mr. Mooers presented it; he says that I told him "that the clause authorizing the lease was inserted by Mr. Weed after it got into the senate;" I never told him that at all; if I told him any thing, I told him that I didn't know any thing about where it was inserted; I never knew whether it was inserted in the assembly or the senate, but I am very positive it was not introduced in the senate; I said I was willing to aid any bill that passed the assembly, for the interest of my district; I don't know to-day, and never have known, but that clause was in the original bill.

Q. You don't know who put in the clause?

A. No, sir, I don't know; I merely know that I would have passed any thing for my district that came up, that I thought would be for its interest; I never saw Mr. Weed in the senate in my life since I have been in there — since I have been there.

Q. Do you know who drew the bill?

A. I do not.

Q. Do you know by what authority the leasing — that clause authorizing the leasing of the road was put in the bill?

A. I say that I don't; I don't know whether it was in the bill, or whether it was inserted afterward; I think Mr. Mooers read me the bill before he presented it, but I don't recollect any thing about the provisions of it; I think the night before he presented it he showed it to me in my room.

Q. I think you stated where you saw Mr. Shanks?

A. Yes, sir, I saw him at the Sturtevant House, in New York city.

Q. You then gave him no information about this matter, except to state the amount of the appropriations as you recollected them.

A. I can't say that; all I can recollect is this: I recollect of his asking me if I thought the road was a paying road; or whether he asked me that, or whether he asked me in connection with this appropriation that we made, the supply bill, I don't know, but in the conversation I recollect saying this to him, that so far as the road being of any value to the State, and from the increase derived from convict labor, which was fifteen cents a day; I didn't know Mr. Barber had said to me when we were getting through the supply bill, that the passenger traffic was increasing, and he had lately taken a contract for some freight, and that he thought that the road would eventually pay to the State; and that if he had it himself under his direction and ownership he could make it pay for itself in a term of years; I said to him (Mr. Shanks) "I don't know any thing about it;" he asked me something about the appropriation, the different items, how much such a thing cost, the fencing, etc., I said, "I don't know any thing about it; you can probably find those at Albany, in the comptroller's office or treasurer's office."

Q. Did you from the time of the passage of this bill, up to the time that you had this conversation with Mr. Shanks, in your room, had you ever taken any pains to look up what these different items cost?

A. Never, sir; I made up my mind when it came before the committee, and Mr. Pilsbury went before the committee, I think and made the explanations in the senate, that it was a good thing, and as it was a bill for my district, and for the interests of my district, I considered it my duty to pass it, and I never looked at the items at all, and knew nothing about them.

By Mr. HAYES:

Q. There was no opposition to it in your district?

A. No, sir; we considered it a very great thing for the district; I considered it of immense value to my district.

By the CHAIRMAN:

Q. You advocated the passage of the bill because you thought it for the interests of the people of Clinton county?

A. Certainly, and I believed it to be for the interests of the State, too; I wish one thing expressly understood, I didn't tell this man any thing about the terms of this contract, because I never knew any thing about it until I saw this article in the paper; I mean the lease; I told him, of course, if the lease had been made, it was on record.

By Mr. HALE:

Q. But you never told him any thing about who presented the bill, or who drew it?

A. No, sir; nothing at all.

By the CHAIRMAN:

Q. Did you have any facts in your possession at that time, further than what you gave him; the matters of record; it was on record at the time?

A. I knew nothing about it; it was on record; I gave him nothing except what I told you.

By Mr. HAYES:

Q. And that came through your legislative experience?

A. Yes, sir; I saw this man afterward; I was at the Union Square Theater, and met him at the Union Place Hotel; I said to him, "Shanks, you got up quite an article, where did you get your facts," and he made the remark to me that he got them in Albany.

By Mr. RHODES:

Q. Have you stated, in substance, all of the conversation that was referred to in your interview with Mr. Shanks?

A. Yes, sir; I have, sir; I have stated all that I can recollect, and I don't know but I have given it a little more fully than it happened; he was not there over five minutes.

Q. Then, if he stated that you told him that Smith M. Weed drew the bill, it was not true?

A. Yes, sir; if he stated that I said Mr. Weed put that clause in, he stated what was not true.

By Mr. MOOERS:

Q. I understand you to say that you don't believe the State could run the road and pay expenses?

A. I don't believe they could have run the road and paid expenses; do you mean outside of their own business, their actual business?

Q. Yes, sir.

A. No, sir, I don't believe they could.

By Mr. HAYES:

Q. It was for the convenience of the prison?

A. Yes, sir, and because Mr. Pilsbury had been offered an increase of some \$60 a day on the prison labor, and it would increase the revenue.

The next witness called was

John Martin, who, being duly sworn, testified as follows :

Examination by the CHAIRMAN :

Q. Where do you reside ?

A. In the town of Peru.

Q. How long have you been a resident of the town of Peru ?

A. About thirty-five years.

Q. What is your business ?

A. My business is — I am a ship-carpenter and boatman ; I have followed the lakes.

Q. I think you stated how long you had resided there ?

A. Thirty-five years.

Q. And your occupation ?

A. I am a ship-carpenter, and have been accustomed to work on boats.

Q. Were you engaged in any of the building — in any thing pertaining to this Plattsburgh and Dannemora railroad in any way ?

A. Yes, sir.

Q. What part did you take in the building ?

A. I worked all summer for Mr. O'Brien, from the first of July; the fore part of July.

Q. What kind of work ; carpenter work ?

A. Yes, sir, bridges and trestle work.

Q. What bridges did you build ?

A. I built the Saranac bridge, the Saranac river bridge.

Q. Whereabouts is that ; what part of the road ?

A. It is up above, about fifteen miles.

Q. How far from Plattsburgh ?

A. About fifteen miles.

Q. How far from Dannemora prison ?

A. About six miles from Dannemora prison.

Q. What other work did you do ?

A. I worked on the trestle work along.

Q. What other work ?

A. In the fall I took a contract for Mr. O'Brien to build a round-house.

Q. This work that you had done before this was done by the day, was it ?

A. Yes, sir.

Q. Not done under contract ?

A. No, sir.

Q. In the fall you took a contract ?

A. Yes, sir.

Q. What contract was that ?

A. Building the round-house.

Q. Where ?

A. In Plattsburgh.

Q. In Plattsburgh?

A. Yes, sir.

Q. You took that contract of whom?

A. Of Mr. O'Brien.

Q. Was it a written contract?

A. Yes, sir.

Q. And have you a copy of the contract with you?

A. No, sir.

Q. Have you the original contract with you?

A. No, sir. I left it in Plattsburgh; I didn't bring any thing down with me at all.

Q. That contract was to build how many round-houses, more than one?

A. Only one, that is all.

Q. Do you know how many there are on the road?

A. No, sir, I don't.

Q. You don't know whether there is more than this one or not?

A. No, sir, I don't.

Q. And this one is located where?

A. At Plattsburgh.

By Mr. HAYES:

Q. What was the amount paid for building it?

A. \$200.

Q. As long as you have not the contract or a copy of it with you, suppose you state the substance of the contract as near as you can?

A. It was for \$200 to build the round-house — the woodwork, to put up the frame and board it up, and bat it outside, and ceil it outside with rough lumber, and ceil it again inside with matched lumber, and put on the roof and put in the door and windows.

Q. Any thing more than that?

A. Not in the contract.

Q. For how much?

A. \$200.

By Mr. POTTS:

Q. The material furnished you?

A. Yes, sir.

By Mr. HAYES:

Q. Did they furnish the lumber for the bridge?

A. Yes, sir; I worked by the day.

Q. How long is this bridge?

A. About 60 feet span. It is what they call a dock bridge — a dock trestle bridge.

By the CHAIRMAN:

Q. The work that you have stated before this committee, you did for \$200?

A. Yes, sir.

Q. Took the contract of Mr. O'Brien?

A. Yes, sir.

Q. Did you do any work after that for Mr. O'Brien?

A. During that time I did outside work.

Q. That was done by the day?

A. Yes, sir.

Q. That was done for Mr. O'Brien, or for the railroad?

A. For the State.

Q. Who employed you to do this work for the State?

A. Mr. Croker, they call him. He was sent down by a party from Albany, here, to Plattsburgh. He was the boss mechanic.

Q. What work did you do for him?

A. I furnished the men to put the turn-table together.

Q. Where is the turn-table?

A. Right in front of the round-house.

Q. At Plattsburgh?

A. At Plattsburgh.

Q. What other work did you do?

A. I put in the back stringers inside. That was not in the contract at all. Then I built a platform in front of the round-house to receive the turn-table.

Q. That was not included in this contract?

A. No, sir.

Q. This you did under the direction of whom?

A. Mr. Croker.

Q. What other work did you do under his direction?

A. I put in the double floor.

Q. Were you still at work by the day for him?

A. I had the men, and I furnished them, but I was to do the work by the day for him.

Q. What other work?

A. And then the foundation for the turn-table, the timber all around the ring.

Q. Any thing else?

A. And then I fixed up some cars; platform cars.

Q. Was that all the work that you did?

A. I put in a little room inside of the house; an office, like.

Q. All this work was done by the day, outside of this work that you contracted for, for \$200 with Mr. O'Brien?

A. Yes, sir.

Q. What other work was done in the round-house, outside of the contract that you had, to complete the round-house?

A. I put up two working benches, one on each side of the house.

Q. Well?

A. And that was about all.

Q. Now, by your own personal knowledge, what other parties did work in connection with the round-house, before it was completed and ready for occupancy and work, etc.; what other parties did work about the round-house besides yourself; for this round-house, as I understand it, you did the carpenter work?

A. Yes, sir.

Q. There must have been some more work?

A. Yes, sir.

Q. It must have cost more than \$200 to build it?

A. The foundation was done by Mr. O'Brien; I didn't have any thing to do with that, and the foundation for the turn-table.

Q. That was done by whom?

A. By Mr. O'Brien.

Q. And did you do all the carpenter work connected with the building of the round-house yourself?

A. Yes, sir; that is, I had men to do it.

Q. Was there any one else did any work about the round-house but yourself?

A. No one else.

Q. And Mr. O'Brien laid the foundation and built the turn-table?

A. He put in the foundation for it.

Q. You don't mean that Mr. O'Brien did this, but men under his charge?

A. Yes, sir; men under his charge.

Q. Can you form any estimate; do you know from your own knowledge, about what this round-house, when completed, will cost;

A. No, sir; I can't tell you.

Mr. PORRS — Let him describe the foundation.

By the CHAIRMAN:

Q. What did the foundation consist of?

A. Stone; all stone from Cadyville, from the bridge.

Q. Was it a wall foundation — a stone foundation in the form of a wall, or how; describe the foundation?

A. It was a stone foundation laid in cement.

Q. How deep was that; do you know?

A. It must have been five feet.

By Mr. HAYES:

Q. What was the diameter of it?

A. I never measured it.

Q. Can you form an estimate of it; was it 50 feet?

A. Yes, sir; it was all of that.

By the CHAIRMAN:

Q. How wide was the stone foundation?

A. Three feet.

Q. Have you any idea of the value of laying that wall?

A. No, sir; I don't understand it.

Q. You are not a mason?

A. No, sir.

The CHAIRMAN — Mr. Smith, are there any questions you desire to ask the witness?

Mr. SMITH — No, sir.

The CHAIRMAN — Is there any member of the committee that has any questions he desires to ask the witness? Mr. Hale or Mr. Smith, have you any questions?

Mr. HALE — I believe I have none.

By Mr. HAYES:

Q. Did you do any work at the prison?

A. No, sir.

By Mr. MOOERS:

Q. You say this stone was brought ten miles from the bridge?

A. I don't know exactly how far it is. It was brought from the bridge.

By the CHAIRMAN:

Q. I understand you to say that you cannot form any estimate of the cost of the round-house?

A. No, sir.

By Mr. HALE:

Q. You furnished no materials at all?

A. No, sir; nothing but the labor, that was all.

By Mr. MOOERS:

Q. Did you put on the roof?

A. I put on the boards.

By the CHAIRMAN:

Q. What is the roof?

A. Tin roof.

Q. How large is this round-house?

A. About fifty feet, I think, in diameter. There is three sections in it, and there are wires (rails) for the cars to go on into the back part.

By Mr. MOOERS:

Q. Under each locomotive is not there a pit sunk?

A. Yes, sir.

Q. You don't know any thing about that?

A. No, sir, I done the wood-work.

By the CHAIRMAN:

Q. This contract for \$200 with Mr. O'Brien you received your pay for?

A. Yes, sir.

Q. In your judgment, which would be the greatest expense, the carpenter work or the mason work. Did you do the greater portion of the work connected with the round house; the greatest expense?

A. I don't know, I am sure. I think the mason work would cost more. I don't know any thing about it.

Mr. HALE—I would suggest that from the engineer you can probably get all the information you want.

The CHAIRMAN—Mr. Potts desires to ask the witness a question or two.

By Mr. Potts:

Q. You had some outside work then?

A. Yes, sir.

Q. With whom?

A. Croker they call him. He was the boss mechanic. He was the main engineer and the boss mechanic.

Q. What was this work that you was to work at?

A. To put the foundation together for the turn-table; to put the timbers on the stone-work to receive the turn-table, and then put timber around to put the rail on.

Q. And this work that you did amounted to \$95 about?

A. Yes, sir.

Q. And that you have never been paid?

A. No, sir.

The witness was here excused.

The next witness called was *James P. Campbell*, who, being duly sworn, testified as follows:

Examination by the CHAIRMAN:

Q. What is your full name?

A. James P. Campbell.

Q. Where do you reside?

A. Plattsburgh.

Q. How long have you been a resident of Plattsburgh?

A. Always been, sir.

Q. What is your occupation?

A. Civil engineer.

Q. You know in regard to this round-house that is in question here; in building this Plattsburgh and Dannemora railroad under the provisions of the bill passed by the State, etc.?

A. Yes, sir.

Q. Did you have any thing to do with the building of the round-house, in any way?

A. Yes, sir; I did.

Q. Where is this round-house located?

A. At Plattsburgh.

Q. Can you give the size of the round-house?

A. I don't remember, exactly, but I have a plan at the Delavan; it is a three stall round-house and is of sufficient length to take in a locomotive which is about 45 feet long.

Q. Did you draw the plan?

A. Yes, sir; drawn under my direction.

Q. Can you tell me who did the work; built the round-house; can you tell who did the carpenter work; do you know what the amount of the contract was for the carpenter work?

A. I think it was \$200.

Q. Do you know who did the mason work?

A. I know some of the men; it was done by the day.

Q. Under whose direction?

A. Under my direction as engineer, or under Mr. O'Brien's — John O'Brien's.

Q. Can you tell what the cost of the mason work was?

A. I don't know what it cost him; I know what it was worth and how much there was of it; I can't say what he paid out for it.

Q. Do I understand you to say that Mr. O'Brien did the mason work by contract, or by the day?

A. It was done by the day; he hired men to build it.

Q. Did he take the contract himself to build it?

A. I think he made a verbal agreement about that; I never saw the contract.

Q. Do you know how much he got for it?

A. Two thousand dollars.

Q. You say you know how much it is worth, the mason work?

A. Yes, sir.

Q. You may state how much it was worth?

A. That account for work is for \$7 a yard, and there was 190 yards of it; there were three engine pits and the foundations, and the piers that it was supported by; I have got a bill here of all the materials that we ordered.

[The bill was here put in evidence.]

Q. State what it was actually worth, and not what the contract was.

A. Excavations for foundations proper; for masonry, \$190.

Q. Is this an estimate, or what, in your judgment, it is actually worth ?

A.. It is what, in my judgment, it is actually worth.

| | |
|--|--------------------|
| 190 cubic yards masonry, foundations, etc..... | \$1, 330 00 |
| 50,265 feet B. M. timber and lumber..... | 753 97 |
| Iron and nails..... | 38 00 |
| 380 pounds tarred paper for lining..... | 7 60 |
| One paneled door..... | 3 00 |
| Twelve windows, complete..... | 24 00 |
| 250 lineal feet molding for cornice..... | 25 00 |
| Carpenter's bill..... | 200 00 |
| Tinning roof..... | 220 00 |
| 190 feet drain tile, laid — 75 cents ft..... | 142 00 |
| Total..... | <u>\$2, 933 57</u> |

By Mr. SMITH :

Q. And that, in your opinion, was the value of the round-house when completed ?

A. Now, gentlemen, I have got the items here, the timber, the size, and where used, and a quantity of such things, and also a bill of the lumber and iron, and such things.

By the CHAIRMAN :

Q. Now, Mr. Campbell, as I understand it, you was engineer of this whole matter here, and in regard to the cost of the construction of the road, for instance, for the track and so forth, and so on ; can you give the committee any information in relation to that ?

A. In relation to the construction of the road ?

Q. Yes.

A. Yes, sir ; I think I can.

Q. Give us the cost of the track, etc. ?

A. The superstructure, or the whole thing ?

Q. The superstructure.

A. The superstructure cost about \$51,000 ; that is merely the superstructure after the grading was finished ; the superstructure includes the rails and ties, and joint fastenings and chairs ; the grading, masonry and bridging is separate.

Q. Have you any knowledge of the cost of the rolling stock, the worth of it ?

A. I have no knowledge of the cost of it except from hearsay.

Q. I mean the worth of it in your own knowledge ?

A. Yes, sir ; I suppose the engines are worth seven or eight thousand dollars apiece, and the small engines not so much ; I should think not over \$4,000 ; that is, in my judgment ; I don't know what it was.

Q. Do you know who furnished the locomotives for the road ?

A. The Dickson Manufacturing Company.

Q. Where is that; do you know who the company is — the Dickson Manufacturing Company?

A. I do not.

Q. Do you know whether this Dickson is Thomas Dickson the president of the road or not; is he connected with the company?

A. I don't know whether he is connected with it or not; there is a Dickson, but not Thomas Dickson, president of the company.

Q. Do you know what relation he is to Thomas Dickson?

A. I don't know; I never saw him.

Q. What about this grading — you say that don't include the superstructure — do you know what the grading was worth?

A. I wouldn't be willing to state it myself.

Q. Well, in your judgment — you claimed to be a judge of the worth of the grading of roads at that time? In your judgment, what do you consider it to be worth?

A. Well, I consider about 12 miles of it worth 22 cents a yard, and the balance worth 25 cents a yard, and I consider the rock worth a dollar a yard.

Q. How much rock was there?

A. There was not much; about 500 yards.

Q. And that was worth a dollar a foot?

A. A dollar a yard at that time.

By Mr. SMITH:

Q. When you said that the superstructure — or gave the figures at \$51,000 for the superstructure, did you assume it at its value, or its cost?

A. Cost.

Q. What was the value of the grading?

A. According to the contract it was about \$70,000.

Q. What did it include?

A. The grading, bridging, and every thing except the superstructure.

Q. The grading was how much?

A. About \$73,000.

Q. Did that include rolling-stock?

A. No, sir, it didn't.

Q. And outside of the grading, what was there?

A. The ballasting.

Q. Worth how much?

A. Fifty cents a yard.

Q. About how much was it worth, the whole thing?

A. I think about \$11,000.

By the CHAIRMAN:

Q. You don't state this exact — about \$73,000, or exactly?

A. That was the amount of the contract, just \$73,000; the ballasting was \$12,835.50.

By Mr. SMITH :

Q. It was worth that, was it ?

A. Yes, sir, that was what was agreed to be paid for it.

Q. And it was worth that ?

A. Yes, sir.

Q. The fencing ?

A. Sixteen thousand one hundred and seventy dollars ; in addition to that there were 300 rods of snow fence.

Q. And how much was that worth in addition ?

A. Four hundred and fifty-three dollars.

Q. Would the snow fence be placed parallel to the main fence, in addition to it ?

A. No, sir.

Q. And beside that, how many rods of fencing did they have ?

A. Ten thousand seven hundred and eighty, and 302 of snow fence.

Q. And it was reasonably worth that amount, was it ?

A. Yes, sir.

Q. What other expenses were there that you know about ?

A. Well, there was laying side tracks ; extra side tracks.

Q. What was the cost of laying extra side tracks ?

A. One thousand eight hundred and sixty seven dollars and fifty-two cents.

Q. To whom was that paid ?

A. Then I see another item here, for rails for sidings ; the rails across the turn-table and into the round-house.

Q. Well, the extra side track was how much ?

A. There was two items ; one was \$1,675.17, and the other was \$1,867.52.

By the CHAIRMAN :

Q. Is this your bill, or a copy of your bill, that you made out ?

A. No ; I assisted in getting these items together in the first place ; I gave them the ballasting and fencing.

Q. You made these figures, and these items for a basis for these figures ?

A. Not all of these figures, but I did some of them ; I gave the figures on all there was done on the road, and measured all the fencing, ballasting and grading ; I gave the figures on those items.

Q. I don't understand whether these figures that you are giving here is the basis on which the contract was let ?

A. No, sir, it was not part of the contract ; this is an extra order ; these sidings are extra, and this round-house is extra, and turn-table.

By Mr. HALE :

Q. There is nothing in that bill that is in the contract ?

A. No, sir.

By Mr. SMITH :

Q. Can you give us quickly, without making a computation there, any information as to how the moneys were paid for the extra work ?

A. To Mr. O'Brien.

Q. That is, Mr. O'Brien took the contract for all the extra work ?

A. Yes, sir.

Q. And you believe that they were as advantageously let to Mr. O'Brien as they could have been to any other person ?

A. Yes, sir.

Q. And that Mr. O'Brien took the contract for as little money as any other person ?

A. Yes, sir.

Q. What was your compensation ?

A. Ten dollars a day.

Q. And you received only how much ?

A. I think the expenses of the engineering parties was about \$10,200 ; we had three parties on the road ; the reason was, we were obliged to hurry it up ; if we had had more time we could have done better.

Q. Who paid you ?

A. Mr. Pilsbury.

Q. Well, you were paid by the State then ?

A. Yes, sir.

Q. That was what the engineering property cost ?

A. Yes, sir.

Q. You think that was more than it would have been, had you had more time ?

A. Yes, sir.

Q. How much more was it than it would have been under ordinary circumstances ?

A. I think about 33 per cent ; we had to have three parties, for the reason that it was all going on at once, fencing and grading and bridging and masonry, and it took more men, for they all had to be looked after.

Q. And all the moneys you have received from Mr. Pilsbury, or any other person, is included in these moneys ?

A. Yes, sir.

Q. In legitimate payment for services performed.

A. Yes, sir.

Q. Have you any means of knowing the value of rolling stock ?

A. No, sir ; I don't know.

By the CHAIRMAN :

Q. How many miles of fencing ?

A. About 34 miles.

Q. Would that include gates and bars, etc.?

A. Yes, sir.

By Mr. MOOERS:

Q. Good gates, were they not?

A. Good gates, painted red, oak frame and tinnerack posts.

By the CHAIRMAN:

Q. You don't know how many gates there were?

A. One hundred and eighteen gates; I ordered 118 gates, but I guess there is half-a-dozen that never were put up; they were furnished; the farmers all wanted them in the first place, and after we got them, they didn't know whether they wanted them or not.

By Mr. RHODES:

Q. Did this amount paid for engineering include the preliminary surveys?

A. Yes, sir; every thing; all the office expenses, and livery, and the salaries of the engineers.

Q. Who took the direction, had charge of the engineering corps?

A. I did.

Q. By whom were you employed?

A. By Mr. Pilsbury.

Q. And was it necessary, to build the road in the manner in which it was required to be built for the State, that these three corps of engineers should be supplied?

A. Yes, sir, it was very necessary.

Q. And they were in attendance upon the work as it progressed, were they?

A. Yes, sir, constantly.

Q. And that bill of these expenses was itemized, I suppose?

A. Yes, sir.

Q. And vouchers rendered for it?

A. Yes, sir.

Q. And all of it paid out by you, except the amount that you have named, \$10 per day?

A. Yes, sir.

Q. Do you remember the number of days that you were employed?

A. No, sir, not exactly; I commenced about the 1st of May, and was employed on the road about a year.

Q. This seems to be in one voucher, for you; did Mr. Pilsbury require you to present vouchers for the men under you, accompanying your voucher also?

A. Yes, sir.

By Mr. MOORE:

Q. Was the fence well built?

A. Yes, sir, I think it was remarkably well built.

Q. And did you take any method to test the depth of the posts along?

A. Yes, sir.

Q. What was it?

A. When we were not there, and posts were set, we had a small steel rod, about the size of my little finger, and a narrow projection on the bottom of it, and we would run it down to the bottom along the side of the posts; sometimes, when it was sub-let to other parties, they would not get it quite deep enough, and then braces were put up.

Q. Of what material was the fence?

A. Cedar posts, hemlock and spruce boards, and the gates were built of oak and pine, and tamarack posts.

By the CHAIRMAN:

Q. Some of this work was done by convict labor?

A. Yes, sir.

Q. Do you know what part of the work was done by convict labor, and what was not?

A. Yes, sir.

Q. Please state to the committee what was done by convict labor?

A. The convicts graded from Plattsburgh toward Dannemora, a distance of about two miles, and they laid about 100 feet of tile drain, 12 or 14 inch, 12, I think, and they laid several hundred feet of drilling across a marsh; the convict labor was estimated every month, and kept in the office.

Q. What was the amount of the estimate?

A. I couldn't say.

Q. Now, it was expected — how much of the work was expected to be done by convict labor?

A. My understanding was that they would probably work across to the east bank of the Saranac river.

Q. How far is that?

A. It must be about six miles.

Q. How much do you say they did do; about two miles?

A. I have got the yards at home.

Mr. RHODES — That is what he said about that.

By the CHAIRMAN:

Q. If they had done what was expected to be done, and what was not done, what would have been the difference, in your judgment, on the work?

A. If they had done what was expected to be done, as I understood it, they would have graded about five miles and completed it, except laying the superstructure, which I did not propose to have convicts do.

Q. That was as you understand it?

A. That was my understanding of it.

Q. What would have been the difference in the amount of the work that they did, and what you expected they would have done?

A. It would have been \$14,000 or \$15,000.

The CHAIRMAN — Does any one else desire to ask any questions of the witness? — Mr. Hale or Mr. Smith?

By Mr. HENRY SMITH:

Q. I am interested in that round-house; I would like to know how much he got for it?

A. I think it was paid \$2,000.

Q. And that would be —

A. A thousand dollars less than it cost.

The CHAIRMAN — Is there any thing further?

By Mr. RHODES:

Q. Do you know whether it was understood, when Mr. O'Brien took the contract, that it was expected that this grading that you expected the convicts would do, would enter into Mr. O'Brien's contract?

A. There was a clause in the contract about convict labor.

Q. And he was to have the benefit of that?

A. Yes, sir; he was to be furnished so many convicts.

Q. And what do you say the difference would be between what the convicts actually did do, and what they were expected to do, under the contract?

A. As I understand it, it would have made a difference of \$14,000 or \$15,000.

The witness was here excused.

Mr. RHODES — I move that the committee now go into executive session.

The motion was carried and the committee thereupon went into executive session, after which they adjourned, subject to the call of the Chairman.

TENTH SESSION.

THURSDAY, *March 23d*, 1880, 3:30 P. M.

The committee met at the capitol, in the city of Albany, at 3:30 P. M., pursuant to the call of the Chairman.

Mr. INGERSOLL in the chair.

Present—Messrs. INGERSOLL, CHICKERING, RHODES and HAYES.

Absent—Mr. POTTS.

The committee was called to order by the Chairman, when the following proceedings were had.

The following copy of the comptroller's warrant in relation to the round-house was put in evidence as an exhibit :

STATE OF NEW YORK, }
COMPTROLLER'S OFFICE. } No. 7358.

To the Treasurer of the State of New York :

Pursuant to chapter 128, Laws of 1877, chapter 252, Laws of 1878, chapter 29, Laws of 1878, and chapter 272, Laws of 1879.

Pay to John O'Brien out of any moneys in the treasury the sum of six thousand two hundred and seven and thirty-four one hundredeth dollars, in payment of annexed account, being balance due on the following appropriations, per chapter 272, Laws of 1879, for the Plattsburgh and Dannemora railroad.

| | |
|-------------------------------------|-------------|
| Ballasting | \$335 50 |
| Station-house..... | 700 00 |
| Round-house, track laying, etc..... | 5, 171 84 |
| | <hr/> |
| | \$6, 207 34 |
| | <hr/> |

And this shall be your warrant.

Dated at ALBANY, *July 11*, 1879.

(\$6,207.34.)

F. P. OLCOTT,
Comptroller.

Mr. CHICKERING — I move that we now close this investigation, and that the committee make their report.

Mr. HAYES — I would amend by saying that the chairman be requested to prepare the report.

Mr. CHICKERING — I move that we now close the investigation, and that the chairman be requested to prepare a report and submit it to the committee.

The motion was carried.

The investigation was here closed.

Mr. HAYES — I move that the committee now go into executive session.

The motion was carried.

After some time spent in executive session, on motion the committee adjourned until Wednesday, March 24th, at 3:30 P. M.

COPY OF LEASE "PLATTSBURGH AND DANNEMORA RAILROAD COMPANY" TO "THE CHATEAUGAY RAILROAD COMPANY."

THIS INDENTURE made this twentieth (20th) day of May, A. D. 1879, between *The People of the State of New York* by *Louis D. Pilsbury*, superintendent of State prisons of the State of New York, by virtue of the power in him vested by chapter 148 of the Laws of 1878, and by and with the approval of the governor and comptroller of the State of New York, party of the first part, and the "*Chateaugay Railroad Company*," a corporation duly organized under the laws of the State of New York, party of the second part.

WHEREAS, The State of New York has constructed and is now completing a railroad from a point near the Clinton prison at Dannemora in the county of Clinton, to the village of Plattsburgh in said county, which railroad is commonly known and called "The Plattsburgh and Dannemora railroad," and by that name is hereafter in this indenture referred to; and

WHEREAS, The said Plattsburgh and Dannemora railroad has been constructed by the State for the purpose of securing to the State direct railroad communication between the Clinton prison and the waters of Lake Champlain and with existing railroads terminating at or passing through the village of Plattsburgh, for the purpose of reducing the cost of transportation to and from said prison and securing an increased compensation to the State from the labor of the convicts confined in said prison; and

WHEREAS, The State of New York is the owner of a large tract of wood land lying on the east side of township number five (5), old Military Tract, which is now of difficult and expensive access; and,

WHEREAS, The party of the second part proposes to construct or procure to be constructed a railroad of like gauge from the western terminus of the Plattsburgh and Dannemora railroad to the Chateaugay ore bed which will pass through or near the said State lands; now, therefore,

This *indenture witnesseth* that the party of the first part, for and in consideration of the rents, covenants and agreements hereinafter reserved, mentioned and contained on the part and behalf of the party of the second part, their successors and assigns, to be paid, kept and performed, and in pursuance of the power conferred on the superintendent of State prisons by said chapter 148 of the Laws of 1878, by and with the consent and approval of the governor and comptroller of the State of New York hereto expressed in writing, have let and leased, and by these presents doth let and lease to the party of the second part, its successors and assigns, all that certain railroad constructed by the State of New York as aforesaid, extending from the village of Plattsburgh to a point near the Clinton State prison at Dannemora, all in the county of Clinton and known as the Plattsburgh and Dannemora railroad, with all of its tracks, side tracks, turn-outs, shops, turn-tables, depots, grounds, erections, structures, fixtures, property and possessions, and all of the privileges and rights appurtenant thereto, together with all the engines, cars, snow-plows, tools, implements, machinery, and all other real, personal or mixed property in the possession of, connected with, or in any way appertaining to said road at the date of this indenture, or at the time when the party of the second part shall take possession thereof under the terms hereof, with full rights to use, occupy, possess, control, manage, operate and enjoy said railroad and leased property, and to receive all the fare, freight, revenue, income and profits thereof as fully as the party of the first part might or could do.

To have and to hold the above-described premises, railroad possessions and property herein leased, with the franchises, rights and appurtenances unto the said party of the second part, its successors and assigns, from the first day of July, 1879, for, during and until the full end and term of one hundred years then next ensuing and fully to be completed and ended. *Provided*, however, and upon the condition that if the covenants and agreements herein contained on the part of the party of the second part, shall not each and all be kept and performed by the said party of the second part, its successors or assigns, then it shall and may be lawful for the said party of the first part, at the expiration of six months after notice to the party of the second part, their successors or assigns in writing, of the intention so to do, and continual neglect or default to enter into and upon the said leased premises and property and every part thereof, and to repossess and enjoy the same, together with whatever property may have replaced the property hereby leased, and whatever additions may have been made thereto, any thing herein contained to the contrary notwithstanding. And said party of the second part, in consideration of the agreements on the part of the State of New York hereinbefore and hereinafter contained on their part, covenant and agree:

1st. That they will, within one year from the date hereof, con,

struct a railroad of three feet gauge, from the western terminus of said Plattsburgh and Dannemora railroad near the Clinton prison as far as the west line of the State lands in township number five, Old Military Tract, known as the "Rogers Purchase," and will extend said railroad to the Chateaugay ore mines within two years from this date.

2d. That they will run over the Plattsburgh and Dannemora railroad, at least one train a day each way (Sundays excepted, and except in case that unavoidable accident, riot, invasion or the effect of the elements prevent the same), with at least one passenger car attached, and will also run as many freight trains as may be required to transact the business of the road without unnecessary delay, so long as the State shall maintain a prison at Dannemora, and shall desire such trains to be run.

3d. That they will keep the road and leased property in suitable working condition for the kind of business to be done thereon, and will renew the same from time to time, as may be necessary, and maintain the same in good order; provided, however, that they may from time to time exchange any rolling-stock now on said road, or which may hereafter be put thereon by the party of the first part, for other rolling-stock of equal value that may better accommodate the business, but no such exchange shall be made without the consent of the superintendent of State prisons, and will also keep and maintain the fences along said road in good order, and the depots and other structures. The said party of the second part, their successors and assigns, to have the right at any time hereafter, with like consent, to change the gauge of said railroad, or to change, if necessary, its location, except that it shall not change its terminus at Dannemora without the consent of said superintendent or of the legislature; and for the purpose of making any such change of location, or for any other lawful purpose when necessary, the party of the second part, its successors or assigns, may use and proceed in the name of the superintendent of State prisons, in the same manner that said superintendent is authorized to act and proceed for like purposes under said chapter 148, Laws of 1878, but at their own cost and expense. They may replace the iron rails with new rails, either iron or steel, at any time, as it may be required, and in such case may sell and dispose of the rails and iron so taken up.

4th. That they will not charge or receive more than at the rate of five cents per mile for the transportation of passengers to and from said Clinton prison.

5th. That so long as the State shall maintain a prison at Dannemora they will, as rent for said leased premises and property, transport over said Plattsburgh and Dannemora railroad, without charge for transportation on said road, all supplies for the maintenance of said prison which are not purchased under a contract to be delivered at the prison by the contractor, and also the officers connected with said prison upon official business, and will annually, during the continuance of

this lease, in addition, yield and pay to the party of the first part the sum of one dollar, payable upon demand thereof by the superintendent of State prisons. And it is further mutually agreed that said party of the second part will at all times transport over said Plattsburgh and Dannemora railroad, and the road to be constructed by them, at a fair and reasonable rate and charge, the wood and timber from the aforesaid State lands, and all stone and other materials for building, rebuilding or repairing said prison, and all articles manufactured by contractors at said prison, and also all raw material transported to said prison by said contractors for the purpose of being manufactured or worked up, and should such rates so established at any time prove unsatisfactory, the same shall be regulated and fixed from time to time by the superintendent of State prisons and the comptroller of the State, and when so regulated and fixed shall be the rate to be paid to and received by them for such service. Provided, however, that the rates so fixed and regulated shall not in any case be below the actual cost of transportation, including wear and tear of rolling-stock and road, and the expense of receiving and delivery at the depots. And said party of the first part agrees on its part that they will, during the continuance of this lease, save harmless the parties of the second part, their successors and assigns, of and from all taxes which are authorized or directed by the legislature of the State of New York upon the said Plattsburgh and Dannemora railroad, its tracks, side-tracks, depots, rolling-stock and other property hereby leased.

And it is further mutually agreed that any and all lands, rights and privileges which have been or may hereafter be ceded to, or acquired by the party of the first part from the United States, required for the purpose of operating said railroad, or for terminal facilities at Plattsburgh, shall be used, occupied and enjoyed by said party of the second part, its successors and assigns under this lease, the same in all respects as the party of the first part might or could do.

And it is further agreed that before any change of possession shall take place under this lease, or any right of possession vest in the lessee, an inventory of all the property covered by this lease and intended to be transferred thereby shall be made and certified under the hands of the superintendent of prisons and the president or secretary of the party of the second part, in triplicate, one of such copies to be filed with the comptroller of the State, and one copy to be retained by the said superintendent, and one by the party of the second part.

And it is further agreed that the party of the second part, its successors and assigns, shall in the management and operation of said railroad, be subject to the provisions of the general railroad statutes of this State, except as may be herein expressly otherwise provided, and shall be liable for damages in like manner as railroad corporations organized and operating railroads under said statutes.

(Signed) LOUIS D. PILSBURY, [SEAL.]
Supt. of State Prisons.

By THOS. DICKSON,
President.

The undersigned, Lucius Robinson, governor of the State of New York, and Frederic P. Olcott, comptroller of the State of New York, hereby approve of the foregoing lease executed by Louis D. Pilsbury, superintendent of State prisons of the State of New York, and the Chateaugay Railroad Company, and of the term of years, and the terms and conditions therein contained.

STATE OF NEW YORK, } ss. :
Clinton County, }

On this 20th day of May, A. D. 1879, before me personally came Louis D. Pilsbury, the superintendent of State prisons of the State of New York, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he is the superintendent of State prisons of the State of New York; that he executed the foregoing instrument, as such superintendent, for the purposes therein named; that he is acquainted with the seal of the superintendent of State prisons of the State of New York, and has the custody thereof; that the seal affixed to said instrument is the seal of said superintendent; that the same was affixed thereto by him, the said Louis D. Pilsbury, and that he executed said instrument and affixed said seal pursuant to the provisions of chapter 148 of the Laws of 1878 and other provisions of law.

(Signed) **PETER S. PALMER,**
Notary Public, Clinton County, N. Y.

STATE OF NEW YORK, } ss.:
City and County of New York, }

On this 21st day of May, in the year 1879, before me personally came Andrew Williams, secretary of the Chateaugay Railroad Company, with whom I am personally acquainted, who, being by me

duly sworn, said that he resided in the village of Plattsburgh, in the county of Clinton, State of New York; that he was the secretary of the Chateaugay Railroad Company; that he knew the corporate seal of the said company; that the seal affixed to the above instrument was such corporate seal; that it was so affixed in pursuance and by virtue of a resolution of the board of directors of said company, authorizing the same; that he signed his name thereto as secretary in pursuance and by virtue of the same resolution. And the said Andrew Williams further said that he was acquainted with Thos. Dickson, and knew him to be the president of the said railroad company; that the signature of the said Thos. Dickson, subscribed to the said instrument, was in the genuine handwriting of the said Thos. Dickson, and was thereto subscribed by virtue and in pursuance of said resolution of the said board of directors, and in presence of him, the said Andrew Williams.

(Signed) EDW. B. DICKINSON,
 [SEAL.] *Notary Public, Kings Co.*
 Certificate filed in N. Y. Co.

STATE OF NEW YORK, }
City and County of New York, } ss. :

I, Hubert O. Thompson, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, the same being a court of record, do hereby certify that Edward B. Dickinson has filed in the clerk's office of the county of New York a certified copy of his appointment as notary public for the county of Kings, with his autograph signature, and was at the time of taking the proof or acknowledgment of the annexed instrument duly authorized to take the same. And further, that I am well acquainted with the handwriting of such notary, and verily believe that the signature to the said certificate of proof or acknowledgment is genuine. I further certify that said instrument is executed and acknowledged according to the law of the State of New York.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court and county, the 21st day of May, 1879.

(Signed) HUBERT O. THOMPSON,
 [SEAL.] *Clerk.*

STATE OF NEW YORK

No. 124.

IN ASSEMBLY,

APRIL 20, 1880.

BILLS

REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and Clerk, by direction of the House, selected the following bills for reference to the sub-committee of the whole :

No. 340, Int. 573, G. O. 364 — Mr. Warner :

An act to amend chapter 175 of the Laws of 1875, entitled "An act to regulate the sale of baled hay and straw in the State of New York."

No. 483, Int. 744, G. O. 539 — Mr. Mitchell :

An act to amend an act entitled "An act to secure better administration in the police courts of the city of New York," passed May 17, 1873.

No. 518, Int. 770, G. O. 593 — Mr. Comstock :

An act to amend an act entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh," passed April 16, 1864, and the several acts additional thereto and amendatory thereof.

No. 527, Int. 766, G. O. 600 — Mr. Mitchell:

An act to amend the 12th section of the "Act to authorize the formation of corporations for manufacturing, mining, mechanical, or chemical purposes," passed February 17, 1848, as said section was amended by chapter 657 of the Laws of 1871, and as further amended by chapter 510 of the Laws of 1875.

No. 539, Int. 783, G. O. 614 — Mr. McCarthy :

An act to incorporate the Bachelor Club of the city of New York.

[Assem. Doc. No. 124.]

No. 583, Int. 938, G. O. 667 — Mr. Miller :

An act to exempt the town of Lenox, in the county of Madison, from the provisions and operation of chapter 189 of the Laws of 1875, entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties."

No. 584, Int. 687, G. O. 668 — Mr. Tuttle :

An act to amend chapter 482 of the Laws of 1875, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

No. 585, Int. 918, G. O. 669 — Mr. Phillips :

An act to regulate the dimensions and measurement of apple barrels.

No. 590, Int. 857, G. O. 675 — Mr. B. F. Baker :

An act to amend chapter 381 of the Laws of 1877, entitled "An act to amend chapter 896 of the Laws of 1869, entitled 'An act to incorporate the Crescent Company, and to extend the time within which the company thereby created may commence operations,' " passed June 2, 1877, and to further extend the time within which said company may commence operations.

No. 594, Int. 893, G. O. 680 — Mr. Sisson :

An act to amend section 27, article 2, title 2, chapter 1, part 4 of the Revised Statutes of the State of New York.

No. 621, Int. 923, G. O. 714 — Mr. E. D. Benedict :

An act authorizing the board of trustees of school district number 3 of the town of New Lots, in the county of Kings, to issue bonds to the amount of \$10,000 to refund or pay a like amount of bonds issued by said board of trustees for the erection of a school-house in pursuance of chapter 191 of the Laws of 1870.

No. 622, Int. 768, G. O. 715 — Mr. Hoffman :

An act to vest in the board of supervisors several additional powers.

No. 645, Int. 689, G. O. 747 — Mr. McDonald :

An act to secure the payment of mechanics, laborers and workmen, who perform work, also persons furnishing materials toward the erection, altering or repairing buildings, wharves, vaults or any other structure in the cities of the State of New York.

No. 651, Int. 483, G. O. 760 — Mr. Clowes :

An act to amend chapter 441 of the Laws of 1864, entitled "An act in relation to the performance of highway labor in Queens county."

No. 654, Int. 699, G. O. 767 — Mr. Strait :

An act to amend an act passed April 9, 1856, entitled "An act authorizing the construction of a bridge across the Hudson river at Albany," and the acts amendatory thereof.

No. 657, Int. 934, G. O. 771 — Mr. McCarthy:

An act to incorporate the Robert Emmet Philo-Celtic Literary Society in the city of New York.

No. 659, Int. 932, G. O. 773 — Mr. H. H. Tuthill:

An act for the protection of corporations organized for generating and distributing steam for heating and other purposes.

No. 661, Int. 970, G. O. 775 — Mr. Terry:

An act to amend chapter 702 of the Laws of 1871, entitled "An act relative to contracts for advertisements in newspapers published on Sunday."

No. 662, Int. 955, G. O. 776 — Mr. Fiske:

An act to authorize and direct the county clerk of Richmond county to record certain papers now on file in the Richmond county clerk's office."

No. 668, Int. 850, G. O. 786 — Mr. Terpeny:

An act in relation to the opening, regulating and grading of 126th and 127th streets in the city of New York.

No. 671, Int. 776, G. O. 790 — Mr. Bullock:

An act to amend chapter 70 of the Laws of 1858, entitled "An act to incorporate the village of Olean in the county of Cattaraugus," and of the several acts amendatory thereof.

No. 673, Int. 1004, G. O. 792 — Mr. Sharpe:

An act to amend chapter 291 of the Laws of 1870, entitled "An act for the incorporation of villages."

No. 675, Int. 727, G. O. 795 — Mr. Lefever:

An act to provide for and direct the repayment of moneys illegally and erroneously paid to the county of Greene, under the provisions of section 2, chapter 29 of the Laws of 1865.

No. 683, Int. 924, G. O. 806 — Mr. J. L. Wells:

An act authorizing the incorporation of Villa Park and suburban homestead associations.

No. 688, Int. 1028, G. O. 811 — Mr. Shanley:

An act in relation to the sale and conveyance of any interest in real estate belonging to lunatics or idiots or habitual drunkards.

No. 691, Int. 492, G. O. 814 — Mr. B. F. Baker:

An act to exempt the county of Saratoga from the provisions of act chapter 733, Laws of 1872, so far as it authorizes the employment of assistant counsel to the district attorney of any county.

No. 694, Int. 721, G. O. 822 — Mr. Clowes :

An act to amend section five of article one, title two, chapter eleven of part one of the Revised Statutes, relating to town meetings.

No. 709, Int. 745, G. O. 844— Mr. Sharpe :

An act to fix the salary of the town clerk and commissioner of highways of the town of Saugerties, Ulster county.

No. 712, Int. 1011, G. O. 848 — Mr. Steele :

An act to confirm the election of village trustees in certain cases, and to provide for and determine, by lot, their respective terms of office.

No. 29 (Senate), Int. 18, G. O. 579 — Mr. Madden :

An act to establish the compensation of the county judge and judge and surrogate of the county of Orange.

No. 121 (Senate), Int. 93, G. O. 829 — Mr. Astor :

An act for the removal of the reservoir situated in the city of New York, between Fortieth and Forty-second streets.

No. 169 (Senate), Int. 121, G. O. 608 — Mr. Davenport :

An act to legalize the official acts and proceedings of Hiram Dimick, a justice of the peace of the town of Wirt in the county of Allegany.

STATE OF NEW YORK.

No. 125.

IN ASSEMBLY,

APRIL 22, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 651, printed No. 567, entitled "An act in relation to the overseers of the poor of the town of Flushing, Queens county," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,
Carpenter, E. A.,

Chamberlain,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—10

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 571, printed No. 501, entitled "An act to amend chapter two hundred and ninety-one of the Laws of eighteen hundred and seventy, entitled 'An act for the incorporation of villages,' so far as said act relates to the village of Wolcott," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,

Chamberlain,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—9.

[Assem. Doc. No. 125.]

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 679, printed No. 593, entitled "An act to confirm the official acts of George M. Briggs, Charles Forbes and George W. Brimmer, commissioners of excise in and for the town of Broadalbin, in the county of Fulton, and to enable them to execute a bond to the supervisor thereof," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------|
| Titus, | Chamberlain, | Evans, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Gorsline, | Ingersoll.—11 |
| Carpenter, E. A., | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 694, printed No. 606, entitled "An act to enable marine insurance companies to amend their charters," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Clancy, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Ingersoll.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 635, printed No. 556, entitled "An act to regulate the passage of lumber, logs and other timber upon the rivers of this State, recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture," reported in favor of the passage of the same, with amendments as follows:

Section 10, line three, change the word "surety" to "sureties."

Also to add at the end of section 10 the following:

"And any person suffering such loss or damage may maintain an action in his own name against the parties executing such bond for his loss and damage aforesaid, until such bond shall have been executed, approved and filed as aforesaid, no person or persons shall float or run any lumber, logs or other timber upon or over any of said rivers or assist in so doing, and whoever shall violate this provision shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five thousand dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish, |
| Clancy, | Gorsline, | Ingersoll.—13 |
| Carpenter, E. A., | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 185, printed No. 173, entitled "An act to amend an act entitled 'An act to incorporate the New York State Convention of Universalists,'" passed April twelve, eighteen hundred and sixty-two, for the purpose of organizing a missionary board, and defining its powers and duties, reported in favor of the passage of the same, with amendments as follows:

Section one, line one, strike out the words "The act of incorporation" and insert "chapter one hundred and eighty-eight of the Laws of eighteen hundred and sixty-two."

Also to amend the title so that it will read:

"An act to amend chapter one hundred and eighty-eight of the Laws of eighteen hundred and sixty-two, entitled 'An act to incorporate the New York State Convention of Universalists, and to organize a mission board and define its powers and duties.'"

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Clancy, | Wells, | Fish, |
| Carpenter, E. A., | Gorsline, | Ingersoll.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 412, printed No. 378, entitled "An act to amend an act entitled 'An act for the preservation of moose, wild deer, birds, fish and other game,'" passed June twentieth, eighteen hundred and seventy-nine, reported in favor of the passage of the same, with amendments as follows:

Section one, line one, strike out the words "of said act" and insert "of chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine;" same line, after the word "amended" insert "so as to read."

Also to amend the title so that it will read:

"An act to amend chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine, entitled 'An act for the preservation of moose, wild deer, birds, fish and other game.'"

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------|
| Titus, | Chamberlain, | Evans, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Gorsline, | Ingersoll.—11 |
| Carpenter, E. A., | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 387, printed No. 358, entitled "An act to amend an act entitled 'An act to amend the charter of the village of Horseheads, Chemung county,' passed April fourteenth, eighteen hun-

dred and fifty-five, and the several acts amendatory thereof, by annexing the following sections," reported in favor of the passage of the same, with amendments as follows:

To insert at the beginning of section one as follows:

SECTION 1. Chapter four hundred and eighty-six of the Laws of eighteen hundred and fifty-five, entitled "An act to amend the charter of the village of Horseheads, Chemung county, is hereby amended by adding the following sections to be known as sections sixty-four, sixty-five, sixty-six, sixty-seven and sixty-eight, and to read as follows, section sixty-four."

Change section two to section sixty-five, change section three to section sixty-six.

Strike out all of section four and insert as section sixty-seven the following: "Nothing in this act shall affect in any way the disposition of any portion of said canal heretofore made according to law, or in any way interfere with or prevent a disposition and removal of the material of the locks and bridges of said canal as provided by chapter four hundred and four of the Laws of eighteen hundred and seventy-seven and the acts amendatory thereof.

Change section "five" to section "sixty-eight."

Also to amend the title so that it will read:

"An act to amend chapter four hundred and eighty-six of the Laws of eighteen hundred and fifty-five, entitled 'An act to amend the charter of the village of Horseheads, in Chemung county, and the several acts amendatory thereof and to supplement new sections.'"

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------|
| Titus, | Chamberlain, | Evans, |
| Dougherty, | Gorsline, | Fish, |
| Clancy, | Nowlan, | Ingersoll.—10 |
| Carpenter, E. A., | | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 458, not printed, entitled "An act to legalize the official acts of Frank M. Goff, a justice of the peace, and allow him to file his official bond," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|-----------|
| Titus, | Carpenter, E. A., | Gorsline, |
| Dougherty, | Strait, | Evans, |
| Duell, | Chamberlain, | Fish.—11 |
| Clancy, | Wells, | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. , printed No. 212, entitled "An act to amend chapter four hundred and seven of the Laws of eighteen hun-

dred and seventy-six, entitled 'An act extending the powers of the trustees of the village of Canandaigua,' reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|--------------|
| Titus, | Chamberlain, | Evans, |
| Dougherty, | Gorsline, | Fish, |
| Carpenter, E. A., | Nowlan, | Ingersoll.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 505, printed No. 30, entitled "An act further to amend chapter four hundred and forty-six of the Laws of eighteen hundred and seventy-four, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|---------------|
| Titus, | Carpenter, E. A., | Gorsline, |
| Dougherty, | Strait, | Evans, |
| Duell, | Chamberlain, | Fish, |
| Clancy, | Wells, | Ingersoll.—12 |

STATE OF NEW YORK.

No. 126.

IN ASSEMBLY,

APRIL 22, 1880.

REMONSTRANCE
OF THE NEW YORK BOARD OF UNDERWRITERS.

NEW YORK, *April* 20, 1880.

HON. GEO. H. SHARPE,

Speaker of the House of Assembly:

SIR—I have been directed by the New York board of fire underwriters to forward to you, for presentation to the assembly, the inclosed official remonstrance against the passage of the bill (now before the house) for the removal of the Murray Hill reservoir in this city.

Asking your kind attention to the same,

I am very respectfully yours,

HENRY A. OAKLEY,

Ch'n of Special Com., N. Y. Board of Fire Underwriters.

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REMONSTRANCE

OF THE NEW YORK BOARD OF UNDERWRITERS AGAINST THE REMOVAL OF MURRAY HILL RES- ERVOIR.

To the Honorable the House of Assembly of the State of New York :

The board of fire underwriters of the city of New York consists of the fire insurance companies doing business in the city, whose capital and accumulations amount to over \$100,000,000, and whose fire risks in the district below the Murray Hill reservoir amount in the aggregate to \$150,000,000.

At one of the largest meetings of the companies composing this board, they unanimously resolved to remonstrate earnestly against the removal of the Murray Hill reservoir, and the undersigned were appointed a committee to address the legislature on the subject.

In the report of July 8, 1879, G. W. Birdsall, now chief engineer of the department of public works, having charge of this reservoir, states that the water in the daytime has not on the high points below Canal street risen above the street bed in twelve years. That there may be no mistake about this, the report in question is sent by this committee to the chairman of the insurance committee of the house (p. 59).

The high points thus unsupplied embrace a large part of the immense dry-goods district of the city, in which the board of underwriters have the largest share of their fire risks. As the top water-line of the aqueduct which brings in the Croton is one hundred and nineteen feet above tide, and the top water-line of the Murray Hill reservoir, when full, is one hundred and fourteen feet ten inches above tide, and the highest ground below Canal street is only about forty feet above tide, it will be readily seen that if the reservoir on Murray Hill is properly used, the water in the pipes proceeding from it, instead of rising in the day no higher than the street bed, in the dry-goods district, say thirty-seven feet, would rise to an equivalent with the top water-line in the Murray Hill reservoir, and would thus be the most important means that can be devised for putting out fires by simply attaching a hose to hydrants.

This can be accomplished by connecting the Fifth avenue mains, which run into this reservoir, directly with the aqueduct itself, which brings in 95,000,000 gallons per day, while the Murray Hill reservoir holds but 24,000,000. For the supply of the upper wards a twenty-inch main has already been connected with the aqueduct, and water is pumped from it to supply the high-service systems, and more water is about to be introduced from the Bronx and Byrum, so that no objection on the score of want of precedent or want of water can be made.

The quantity of water which would thus fill the Murray Hill reservoir in a few hours would add but a few inches to the elevation of that in the park reservoirs, which cover a large space, and hold 1,250,000,000 gallons. In case of a low head in the park reservoirs concurrently with the happening of a great fire, a great calamity might be avoided by the connection.

Commissioner Campbell, in one of his recent reports, states that the water in the reservoir in the park fell during the droughts of a year or two ago to about ten feet, or twenty-six feet lower than its top water-line. It fell equally in the Murray Hill reservoir, which it supplies.

To gain the twenty-six feet of loss of head in the park reservoirs took several months — the city in the mean time having been seriously exposed — whereas the Murray Hill reservoir can be made instantaneously available if the flow of the aqueduct shall be directed to it. Thus would be furnished in the Murray Hill reservoir a head twenty-six feet higher than that of the park reservoirs thus lowered.

Fanning, in his valuable work on water supply, pp. 588–9, says: “The value and importance of sufficient elevation of the supplying reservoir, when the delivery is by gravity, to meet the most pressing needs of the fire service, ought not to be overlooked, for an efficient fire service is usually one of the chief objects to be attained in a complete water supply.”

No more complete instrumentality than this reservoir, on its commanding elevation (see the map), can possibly be furnished for putting out fires, and if subjected to proper management, this object, so essential in every perfect water-system, can immediately be shown. Instead of removing it, others should be located in the lower wards.

In case of a great fire — a calamity to which the city is always subjected — reliance on fire-engines would prove to be inefficient, and in such a case the Murray Hill reservoir could be filled, and kept full, from the aqueduct, and a means be thus afforded to citizens to stop its progress themselves.

The committee of the board earnestly remonstrate against the removal of the Murray Hill reservoir, and respectfully urge that means be taken not only to prevent an attempt at each session of your honorable body to pass a law for the purpose of such removal, but to establish the water-system of the city on a basis which will insure safety against fire.

HENRY A. OAKLEY,
WILLIAM H. ROSS,
JAMES H. PINCKNEY,
MARCUS F. HODGES,
THOMAS F. JEREMIAH,

Committee of New York Board of Fire Underwriters.
NEW YORK, April, 1880.

NOTE.—In the report of Commissioner Campbell, of December 31, 1877, he said:

“When the great drought terminated on the 5th of October, the depth of water in the Central Park reservoir was reduced to ten and a half feet, and of course the pressure in the delivery of the water was correspondingly diminished, giving rise to many complaints, and causing great inconvenience in many cases.

“We cannot and should not shut our eyes to the evil consequences that would have ensued if relief by copious rains had been further delayed.”

NEW YORK, *April* 21, 1880.

The above is the report made to the New York board of fire underwriters this day by its special committee on water supply.

ED. W. DALTON, *President.*

STATE OF NEW YORK.

No. 127.

IN ASSEMBLY,

APRIL 27, 1880.

COMMUNICATION

FROM THE SUPERINTENDENT OF THE INSURANCE
DEPARTMENT IN ANSWER TO A RESOLUTION OF
THE ASSEMBLY.

INSURANCE DEPARTMENT, }
ALBANY, 27th April, 1880. }

To the Honorable the Speaker of the Assembly:

In obedience to a resolution adopted by the Assembly last evening, a copy of which has been handed to me this forenoon, I submit a copy of the correspondence in question.

JOHN F. SMYTH,
Superintendent.

(Copy.)

STATE OF NEW YORK:

INSURANCE DEPARTMENT, }
ALBANY, April 19th, 1880. }

F. S. WINSTON, Esq., *President Mutual Life Ins. Co,*
No. 144 Broadway, New York City:

DEAR SIR — I have the honor to inform you that an answer about to be made by me to the house of assembly to certain resolutions for certain information shows the following:

1st. That my immediate predecessor deemed it necessary in the examination of life insurance companies, beginning with the examination of the Equitable Life Assurance Society, to cause the bonds, mortgages and abstracts of said life insurance company to be examined by attorneys selected by that officer, which examinations con-

sisted in the critical inspection of the said papers and into all matters which appeared to require inspection. The chain of title was carefully examined to see that no person having title to any part of the premises mortgaged failed to convey; that no rights of dower and rights of way, powers of sale in executors, claims of infant heirs, or other incumbrances were outstanding. The description of the premises was carefully compared with the description in the abstracts to see that no gores of land or other parts of the premises were omitted. All proceedings in partition, foreclosure, sale of infant's lands, sales by executors, etc., were carefully examined so far as they appeared on the abstracts. The searches were carried back sufficiently and brought down to the date of the mortgage, and that deeds and mortgages and agreements brought out were those stated in the abstracts and no others; and it was seen that there was no *lis pendens*, judgments, mechanic's liens, taxes or other incumbrances. The mortgages were examined as to the form, the description of the property, names of mortgagees and amount, and it was seen that the executions and acknowledgments were correct and taken before proper officers, etc., and that husband and wife joined in all cases when the mortgagors were married, and that the interest did not run from a time prior to the date of the mortgage. The bonds were examined in these particulars; and it was also seen that the separate estates were bound when the bonds were those of married women, and what part, if any, of the principal was paid off.

It also appears from answers to said resolution that the real estate owned by and mortgaged to life insurance companies, beginning with said insurance company, were appraised by appraisers, either agreed upon by the department and the company, or appointed by the department. The result of these examinations has shown the wisdom of the course adopted by my immediate predecessor, when I state to you that such examination caused to be stricken from the alleged assets of said companies, as follows:

| | |
|---------------------------------------|--------------|
| Equitable Life Assurance Society..... | \$696,705 21 |
| American Popular Life Ins. Co..... | 303,077 21 |
| Atlantic Mutual Life Ins. Co..... | 208,548 71 |
| Universal Life Ins. Co..... | 769,460 22 |
| New York Life Ins. Co..... | 254,248 15 |
| Manhattan Life Ins. Co..... | 161,896 09 |
| Metropolitan Life Ins. Co..... | 53,421 70 |
| Homœopathic Life Ins. Co..... | 20,312 25 |
| Globe Mutual Life Ins. Co..... | 695,854 83 |
| Germania Life Ins. Co..... | 4,178 53 |
| Knickerbocker Life Ins. Co..... | 543,990 64 |
| Brooklyn Life Ins. Co..... | 15,470 28 |

I observe that your company is one of three organized and doing business in this State, under its laws, the title to whose property, and the value of the same has not been so examined and appraised.

While chapter 593 of the Laws of 1873 gives the superintendent power to retain and employ attorneys and appraisers to perform the services indicated, yet it does not provide clearly for the payment of these parties so retained and employed, neither does it allow the insurance company examined any voice whether the charges for performance of the duties are reasonable or otherwise.

I therefore venture to suggest to you that you put yourself in immediate communication with Messrs. Arthur, Phelps, Knevals and Ransom, No. 155 Broadway, attorneys for the department in other matters in New York, and retain that firm to search the titles; and the Hon. William Laimbeer, No 19 Madison avenue, to appraise for you the property owned and mortgaged to your company in New York and Kings; and George H. Henry, No. 50 William street, to appraise property in New Jersey. I shall accept a copy of any report made to your company by these gentlemen, as correct. If you, however, ascertain that the charges to be made by these gentlemen for performing the duties are excessive, please communicate with me, when I will at once suggest other names to you who will be satisfactory to the department. I will at the same time suggest names of other gentlemen to appraise property owned by and mortgaged to your company, in other parts of this State and adjoining States. I will thank you to communicate with me at your earliest possible convenience as I do not desire to thrust the responsibility of this action, which seems to me to be so necessary, upon my successor, who takes possession of this department on the 30th April.

Respectfully yours,

(Signed)

JOHN F. SMYTH,

Superintendent.

(Copy.)

THE MUTUAL LIFE INS. CO. OF NEW YORK, }
140 to 146 BROADWAY, }
NEW YORK, *April 21st, 1880.* }

HON. JOHN F. SMYTH:

DEAR SIR — Your letter of the 19th was received and was presented by me to the proper committee for their information and direction. They promptly referred the letter to the committee for examination and advice. Their action on the same will be reported to the insurance department as soon as decided upon, as required.

Very respectfully,

(Signed)

F. S. WINSTON,

President.

THE MUTUAL LIFE INS. CO. OF NEW YORK, }
 140 to 146 BROADWAY, }
 NEW YORK, *April 22d, 1880.* }

HON. JOHN F. SMYTH, *Insurance Department:*

DEAR SIR — Since my letter to you of yesterday's date, I have consulted with members of the committee and they inform me that they believe they can furnish their reply to your letter of the 19th instant on or before Monday next.

(Signed) Very respectfully yours,
 F. S. WINSTON,
President.

THE MUTUAL LIFE INS. CO. OF NEW YORK, }
 140 to 143 BROADWAY, }
 NEW YORK, *April 24th, 1880.* }

HON. JOHN F. SMYTH, *Superintendent, Albany, N. Y.:*

DEAR SIR — In further acknowledgment of your letter of the 19th inst., we beg to say, that, although we received within a month your official certificate dated March 28th, 1880, authorizing us to continue to transact business, which showed by the deduction of the net value of our liabilities as stated by you at the sum of \$77,056,695.64, from the amount of accepted assets as reported to your department at \$88,212,700.68, a clear surplus of \$11,056,005.04; we are happy, now as heretofore, to give our best consideration to any suggestions emanating from the insurance department, as was shown by the prompt attention recently devoted to the subject of the loan to Weed, Parsons & Company at your request. Inasmuch as you base your present suggestions upon the alleged action of your immediate predecessor in respect to certain other companies, we respectfully remark:

The Hon. William Smyth, acting superintendent of the insurance department, on the 20th of February, 1877, published a certificate of the results of an examination made by him of the affairs of this company, pursuant to the provisions of chap. 593 of the Laws of 1873, and other acts relating to the insurance department, and subsequently embraced the same in his annual report to the legislature of this State, under date of March 19th, 1877. Such certificate concludes:

“The superintendent *in person* was present during the examination of the United States securities, bonds and mortgages, and other stocks and bonds owned by the company, and took part in said examination. He desires to join with his deputy in assuring

the public that the system of management and accnracy of detail, as well as the checks and individual responsibilities imposed on each person who has authority to do with the *loaning or investing the funds of the company*, command his most hearty approval.

"The president and all other officers of the company were most prompt and courteous in affording every information; while so perfect is the organization of each department that any special item required was at once furnished with all its necessary and satisfactory vouchers. This will account for the fact that a corporation of such vast magnitude and importance *could be fully and satisfactorily examined* in a few weeks, which, under ordinary circumstances, would have required as many months.

(Signed)

"WILLIAM SMYTH,
"Acting Superintendent."

It will be noticed that Superintendent William Smyth certifies that he was present in person during the examination of the "securities, bonds and mortgages, and other stocks and bonds owned by the company, and *took part in said examination.*" At such examination "the mortgages *were* examined," as to the form, the description of the property, names of mortgagors and amounts, and it *was* seen that the execution and acknowledgments were correct, and taken before proper *officers*, etc., and that husband and wife joined in all cases where the mortgagors were married, and that the interest did *not* run from a time prior to the date of the mortgage. The bonds *were* examined in these particulars, and it *was* also seen that the separate estates were bound when the bonds were those of married women, and what part, if any, of the principal was paid off." Such of the safeguards deemed essential by your immediate predecessor as are specified in the above extract from your letter were each and all thus verified by himself in person, and his satisfaction therewith was then and there expressed in the language quoted.

It should be further remarked that the precise mode of verification of these securities which you point out as having been directed by your immediate predecessor has been in vogue in this company for many years, and has been annually followed by its trustees.

The following certificate was given on its date by the gentlemen whose names are appended thereto, and the examination therein referred to was conducted in the exact manner described in your letter:

"OFFICE OF
"THE MUTUAL LIFE INS. CO. OF NEW YORK, }
"February 7th, 1880.

"At a meeting of the board of trustees of this company, held on the 19th day of January ultimo, the undersigned were duly appointed a committee to audit the annual statement and examine the assets of the company.

"Having performed the duty assigned to them, they hereby certify the statement to be correct.

"They find the securities to be of the highest character, and the investments such as to insure the confidence of the policy-holders.

"In making this certificate the committee express their approbation of the system, order and accuracy of the company's books, of the manner of keeping its accounts, and of the arrangement of its vouchers.

(Signed)

"THOMAS DICKSON,
 "BENJAMIN B. SHERMAN,
 "A. C. VON POST,
 "JOSEPH THOMPSON,
 "JAMES C. HOLDEN,
 "GEORGE F. BAKER."

Thomas Dickson, above named, is the president of the Delaware & Hudson Canal Company of this State.

Mr. Benjamin B. Sherman is the president of the National Mechanics Bank of this city.

Mr. H. C. Von Post is a member of the firm of Oelrichs & Co., who are the agents of the New York and Bremen Steamship line.

Mr. Joseph Thompson is a well-known builder and real estate owner of this city.

Mr. Holden is a wholesale iron merchant, and Mr. George F. Baker is the president of the First National Bank of this city.

We respectfully submit that the certificate of these gentlemen so well and so widely known in this State and beyond its boundaries, and none of whom were or had been members of the finance committee by whom the loans were authorized, will be received by the public and the policy-holders of this company with a degree of confidence at least equal to that likely to be reposed in the statements of any other similar body of men whose services your department would be able to procure.

At the examination of the Hon. Win. Smyth, above referred to, the entire system of loaning the funds of the company on bond and mortgage was exemplified to him by the exhibition of appraisals. Abstracts and title papers selected by him indiscriminately from the company's books and vaults, and he was shown that in making such loans the following course was invariably adopted.

The property on which loans are made in and near New York (say within a distance of one hundred miles) and in other business centers in this State is carefully examined and appraised by some experienced person in whom the finance committee and the public have confidence, and in cases where it is deemed expedient, members of that committee also examine the property. The eight members of this committee are all of them gentlemen well informed upon real estate values, and it rarely happens that property is

offered as security that is not known to one or more of its members. In case of loans upon properties situated more remotely, the application therefor passes through the hands of a person chosen by the company for that duty, and selected because of his probity, discretion and skill who designates two disinterested men acquainted with the property and real estate values, and these certify that they have personally examined the property to be mortgaged, and state its value in detail. This valuation is raised by the person who appointed them, and he certifies in addition as to his own views of the value and as to the security afforded by the property. The applicant swears to the truth of the averments contained in his application.

All these statements are submitted to the finance committee at a regular meeting, are carefully considered, a vote taken, and a single negative causes the rejection of the application. From the beginning to the end every precaution is taken not only to guard against fraud or deceit but to ascertain every fact or incident connected with or relating to the property as likely to affect its present or future value as security.

There are in all seventeen persons authorized to receive applications for loans, and they are men well known in their respective districts as fit for the trust.

With this system and with its results, the Hon. William Smyth, as above shown, expressed his entire satisfaction.

The Hon. John A. McCall, Jr., then, as now, deputy superintendent of the insurance department, in his letter to his chief, under date of February 1st, 1877, makes the following statement:

“A schedule giving in detail the information necessary for valuation of property, verification of titles, etc., of each of the seven thousand one hundred and fifty-six (7,156) mortgages, has been compiled, and is now on file in the department.”

Your immediate predecessor did not feel it incumbent on him to make a new examination of the titles to property mortgaged to the company as security for loans, or acquired by it in the course of its business, because at that time, with few exceptions, the titles to such properties had all been examined, either by the Hon. Lucius Robinson, then governor of this State, and whose eminence as a lawyer was well known to him and others, by the Hon. Henry E. Davies, formerly chief justice of the court of appeals of this State, or by the Hon. Wm. Betts, LL. D., the then standing counsel of the company, and it was felt and expressed by him that it would be a work of supererogation at the least for any attorney whom he might appoint to revise the abstracts of title prepared and bearing the autographic approval of either of those eminent legal authorities. The same condition as to such abstracts and title papers still prevails, although since that time the title papers and abstracts have been prepared and certified by our general counsel, the Hon. Oliver H. Palmer, equally well known for accuracy and professional attain-

ments. During upwards of thirty-seven years' administration of the affairs of this company, comprising the making of about twelve thousand loans on bond and mortgage, and the investment and re-investment of one hundred millions of dollars, not one dollar has ever been lost through the failure of any title to the property on which such loans were made.

The effect of such a record, and the universally admitted strictness and accuracy of this company's searches of title, is that subsequent loans are freely made, and subsequent transfers of title accepted by lenders and purchasers without question of the title prior to a mortgage made to this company.

The knowledge and recognition of these facts showed the wisdom of your predecessor in abstaining from subjecting the policy-holders of the company to an enormous expense without equivalent.

But should you desire further assurance of the facts stated, we beg to suggest that you detail a proper person from the regular force of the department to visit this office and verify them.

This can be done without other expense to the policy-holders than the traveling and hotel bills of such persons; and we respectfully urge that when we show that all the requirements in respect to such titles as are specified in your letter, including original searches brought down to a time subsequent to the recording of the mortgages and deeds duly certified by county clerks and recording officers, have been complied with, and are covered by the unqualified certificates of approval of one of the four eminent lawyers above named, or others of equal standing who are all personally and officially responsible, the department ought to be and will be entirely satisfied with the validity of our mortgage and real estate titles. We will exhibit also to such, or any other person similarly delegated by the department from its regular force, full and complete appraisals of all such mortgaged or acquired property, made by men of acknowledged qualification, and brought down to the present time. It has ever been the custom of this company to cause all such property to be reviewed from time to time, and its present condition and future prospects, as well as its actual value, to be periodically reported to the company. An official verification of these valuations can be accomplished at slight expense in the manner suggested, and cannot fail to be wholly satisfactory to the department.

But there is still another alternative which may be safely and judiciously resorted to. The course hereinbefore referred to as adopted by your immediate predecessor of making personal examination of loans and titles by indiscriminate selection was followed by the insurance superintendent of one of the western States, who, desiring to satisfy his mind respecting the validity of our titles and appraisals, was inclined to direct a similar examination to that now suggested by you. Yielding to our representations as to the great and unnecessary cost that would be incurred by an arbitrary require-

ment to this effect, he came to New York and spent the business hours of several days, selecting, by numbers, loans from our ledgers, and personally verifying the documents produced in compliance with his requisition.

Every paper connected with all loans so selected was submitted to his scrutiny, and he departed expressing himself as entirely satisfied by the personal examination he had made.

If you find the department cannot conveniently spare the services of an examiner for so long a time as an inspection of every valuation and title would consume, we beg to suggest that a similar verification by lot would satisfy all reasonable scruples.

Select any numbers you choose between 1 and 11,000 (or the last number on our books), say 100 or 200 in all, and permit us to turn out to you the corresponding valuations and title papers precisely as custom house invoices are sampled and inspected. Come in person or send your deputy, and if, as you say, you are unwilling to thrust the responsibility of this action on your successor, your mind may be relieved of all disquiet before your retirement from office.

We make these propositions not to intimate any doubt as to the professional standing of the gentlemen named in your letter as attorneys, but with a view of saving to the policy-holders of this company all needless expense, and because the company is already by law a large contributor to the support of the insurance department, and we respectfully submit that all doubts you may entertain, if any, as to the sufficiency of our titles, and the conservation of our appraisals, will be removed by acceding to either proposition.

At this point we take leave to call your attention to some very grave errors in the figures given in your official letter as to the deductions made from the assets of certain companies by you and your predecessor, a point in which it seems important that accuracy should have been observed. The tenor of your letter points to the service rendered as the result of re-examining titles and values of real estate, and the first column of the following figures shows the reductions claimed in your letter to have been made in the assets of the companies as the result of such re-examinations.

While the second column shows the actual reduction as stated in the superintendent's reports made as the result of examinations of that class of assets:

| | From Superintendent's Letter. | From Superintendent's Report. |
|-----------------------|----------------------------------|----------------------------------|
| Equitable | \$696, 705 21 | \$417, 539 72 |
| American Popular..... | 303, 077 21 | Nothing. |
| Atlantic Mutual..... | 208, 548 71 | 46, 000 00 |
| New York Life..... | 254, 248 15 | 218, 093 96 |
| Manhattan | 161, 896 09 | 131, 499 11 |

| | From Superintendent's Letter. | From Superintendent's Report. |
|-------------------------|----------------------------------|----------------------------------|
| Metropolitan..... | 53, 421 70 | Nothing. |
| Homœopathic Mutual..... | 20, 312 25 | 19, 776 99 |
| The Globe | 695, 854 83 | 57, 303 39 |
| Knickerbocker | 543, 990 64 | 122, 288 89 |
| Brooklyn..... | 15, 470 25 | Nothing. |

The fact is that the deficiencies alleged in your letter to be due to real estate investments are swollen by adding thereto the sums invariably rejected as assets by the department, in all cases being balances in the hands of agents, commuted commissions, premium notes, bills receivable, and other similar items, none of which are claimed in the report of this company. We make these corrections merely that if any importance is to be attached to the result of the examinations of the companies named in these respects the correct figures should be given and not those which are manifestly inaccurate.

To your suggestion that we put ourselves in communication with the gentlemen named by you as attorneys and appraisers, we respectfully offer the following further objections: By the Laws of 1873, chap. 593, sec. 2, it is provided how the examination of a life insurance company shall be made when ordered, and how the expenses shall be paid. If made personally by the superintendent or his deputy, or by any one or more of the regular clerks of the department, no charge shall be made on such examination but for necessary traveling and other actual expenses. All charges for making examinations of any insurance company, and all charges against any company by an attorney or appraiser of the department shall be presented in the form of an itemized bill, to be approved first by the superintendent and then audited by the comptroller, and paid by him to the person or persons making such examination; the amount or amounts so paid by the comptroller to be repaid by the company examined to the superintendent, and by the latter returned to the State treasury. And it is then expressly provided that no company examined shall either directly or indirectly pay by way of gift, gratuity or otherwise, any other or further sum to said superintendent or examiners for services, extra services, or for purposes of legislation *or any other pretense whatever*. Said superintendent, examiner, or any officer, clerk, or other employee of any insurance company violating these provisions it is provided shall be *guilty of a misdemeanor*.

As superintendent you now in your letter "venture to suggest" an examination of the affairs of this company as to the value of its mortgage and real estate securities, and the titles thereto, and you ask the company to negotiate with and employ certain attorneys and appraisers named by you to act as examiners and appraisers, and to agree with them as to the compensation to be paid for such

service, stating that any certificate made by them to us upon such examination will be satisfactory to you. You suggest this, you say, because it is not clear by the statute how the attorneys and appraisers are to be paid. This, it seems to us, is a grave error.

The statute has provided specifically how the expenses of attorneys and appraisers are to be ascertained and paid, viz.: that all charges shall be presented in the form of an itemized bill, to be approved first by the superintendent, and then audited and paid by the comptroller.

That the attorneys and appraisers named by you would be regarded under the act as the attorneys and appraisers of the department, even if nominally employed by us, as suggested, we have no manner of doubt. We hold, therefore, that the officers of the company are prohibited by the act from paying, directly or indirectly, any other or further sum as expenses for the proposed examination than that audited by the comptroller; and if we should, at your suggestion, employ the examiners named, and pay them without the audit of the comptroller, we might be guilty of a misdemeanor under the act. The suggestion made by you thus seems to be inadmissible in a legal view, but were this not so we do not see how it could be complied with. You remark that your successor takes possession of the department on the 30th of April.

It is self evident that scarcely a beginning of such an examination of these titles as you suggest could be made in the few days which intervene between that date and now; and we do not perceive that your promise to accept any report made to us by the gentlemen you name would, under these circumstances, afford any guarantee by which your successor would be bound.

It becomes us also to be regardful of the fact that it is the expenditures incurred by the very class of examinations you suggest that have been the sole cause of the scandals which have done so much to bring the insurance department into disrepute, as the records of the legislature attest—scandals which have a demoralizing effect upon the purity of political parties, and disturb the confidence of the public.

If at the direction of every insurance department in every State in the Union, having reciprocal laws, we are to be subjected to the expense of re-examining our titles and reappraising our landed securities as an alternative of exclusion from the State, it is manifest that we shall ultimately be superintended out of existence.

We recognize fully our subjection to the laws of this State, and shall always conform to their requirements in good faith; but knowing, as we do, such reappraisal of property and re-examination of titles as is proposed to be wholly unnecessary, we feel bound to interpose our respectful protest against the imposition upon the policy-holders of the company of any expense attending the same, other than traveling and actual expenses under the statute. We make this protest, notwithstanding the statement in your letters

that the law does not "allow the insurance company examined any voice whether the charges for performance of the duties are reasonable or otherwise."

Assured by the offer you make to suggest other names in case the charges to be made by the estimable gentlemen named should be excessive, we have no doubt that the comptroller of this State would be at least equally considerate of any representations we might make.

Very respectfully, your obedient servant,

(Signed)

F. S. WINSTON, *President.*

Copy of answer of Superintendent Smyth to the foregoing letter:

INSURANCE DEPARTMENT, }
ALBANY, 26th April, 1880. }

F. S. WINSTON, Esq., *Pres. Mutual Life Ins. Co., No. 144 Broadway, New York City, N. Y.:*

DEAR SIR—I thank you for your very full and careful letter of the 24th instant, in further acknowledgment of my letter to you of the 19th instant, on the subject of the title to and valuation of real estate mortgaged to and owned by your company. This letter, together with the correspondence on the same subject, I shall lay before my successor, doing nothing further in the matter myself.

In this connection, however, let me briefly notice several points in your letter, which can be noticed *now* with propriety.

1st. The usual certificate of the valuation of policies was furnished to your company, which would have been furnished if *any* surplus had been claimed. This does not, however, by any means, sustain your views that this department *certifies* that your company *has* a surplus of \$11,056,005.54 over liabilities, but the superintendent simply states to the legislature, in his report, that your officers *swear* that you have this amount of surplus.

2d. I do not base the present suggestions made by me upon the *alleged* action of my immediate predecessor in respect to certain other companies, but to his *official* action, record of which is in this department, touching the company which he next commenced to examine after he finished the examination of your company. The examination of your company by my immediate predecessor, to which you call my attention, simply shows by the wording of that gentleman's report, that beyond checking the statement made by you to the department, it could scarcely be called an examination at all, compared with the examination of another company which my immediate predecessor commenced immediately after the so-called examination of your company had been finished. The securities apparently were simply *counted* under the direct supervision of that official, and no examination of your books made at all.

3d. I have no doubt of the great care taken by the officers of your company, and by the gentlemen whose names you have furnished, in the matters described in your letter, but it scarcely can be expected that the department can, as the result of an examination by it, accept this case as final.

4th. Touching the letter written by the then and now deputy superintendent, John A. McCall, Jr., to the acting superintendent, under date of February 1st, 1877, Mr. McCall, you will observe, is very careful in stating that a schedule, giving, in detail, the information *necessary* for the valuation of your property, verification of titles, etc., "has been compiled, and is now on file in the department," but such information necessary for this purpose has never been used, as no valuations of property nor verifications of title by the department, as you are aware, has ever been made.

5th. My "immediate predecessor" did feel it incumbent upon him to make a new examination of the title to property mortgaged to the Equitable Life Assurance Society of the U. S., and regularly appointed Mr. Frederick H. Betts, of the city of New York, to perform this service, whose report to the department is on file in the office, and is a very able paper.

6th. The points which you make as to the great danger you run in being guilty of a misdemeanor, which would be deplorable, I do not think are worthy of much consideration, the subject having already been tested in the courts, that in the employment by a company of persons to perform the services mentioned in my letter, the company is perfectly entitled to employ such persons, and can be compelled to pay such persons, notwithstanding chapter 593 of the Laws of 1873, if they have so employed them, and that such persons are not attorneys or appraisers of the department.

I have received your telegram in answer to mine as to result of sales of real estate in *New York city*, and sincerely congratulate you upon the same. I am afraid, however, that in other localities, notably in Elizabeth, N. J., and several counties in this State, the same relative proportion of gain will not be maintained on the \$3,202,467 yet held by your company, on account of mortgages foreclosed, but I hope for the best.

It is scarcely becoming in you to endeavor to read to me a lecture touching scandals which you state have had a demoralizing effect upon the purity of political parties, and disturbing the confidence of the public, and which have done so much, you state, to bring the insurance department into disrepute. The scandals which have affected, not the insurance department, but insurance officers, were much more conspicuous when the present incumbent of this office took possession of it than when, after the attention of the public had been diverted from such insurance officers to the present incumbent.

Respectfully,
(Signed) JOHN F. SMYTH,
Superintendent.

Copy of letter sent by Superintendent Smyth asking the Washington Life Insurance Company to answer his communication bearing date the 19th of April, which was the same as the letter addressed to the Mutual Life on same day. Copy attached hereto.

INSURANCE DEPARTMENT,
ALBANY, 23d April, 1880. }

WM. A. BREWER, Jr., Esq., *Prest. Washington Life Ins. Co., No. 155 Broadway, New York City, N. Y.:*

DEAR SIR — I have the honor to refer you to my communication to you of the 19th instant, touching the matter of testing the titles to property owned by and mortgaged to your company and the proposed appraisement of the same, to which I respectfully call your attention and request an answer. I expect to meet here, upon Tuesday, the 27th instant, my successor in office, and mean to lay the subject before him.

(Signed) Respectfully yours,
JOHN F. SMYTH,
Superintendent.

(Copy.)

OFFICE OF THE WASHINGTON LIFE INS. CO.,
COR. CORTLAND AND CHURCH STREETS,
NEW YORK, April 24th, 1880, }

Hon. JOHN F. SMYTH, *Supt. Ins. Dept., Albany, N. Y.:*

DEAR SIR — I beg to acknowledge the receipt of your favor of 23d inst., and also the due receipt of that of 19th inst. relative to an examination of the titles and an appraisal of the property owned by and mortgaged to this company.

This communication seemed to come so obviously within the class of cases that every prudent company would naturally refer to its legal adviser, I sent a copy at once to our counsel, Mr. James Thomson, who was and is still out of the city, asking for an immediate reply by mail, or telegraph, neither of which has yet been received. I would, therefore, ask for further indulgence before complying with your request.

Assuring you that no unnecessary delay will be interposed, I remain,

(Signed) Yours respectfully,
W. A. BREWER, JR.,
President.

(Copy.)

In answer to superintendent's letter of the 19th inst., being same as letter addressed to Mutual Life Insurance Company on same date. Copy attached hereto.

U. S. LIFE INS. CO.,
NEW YORK, April 21, 1880. }

JOHN F. SMYTH, *Supt. Insurance Dept., Albany, N. Y.:*

DEAR SIR — Your letter of 19th instant, addressed to Mr. Buell, our president, came duly.

As he has been for some time confined to his bed and is now not out of his room, and as our secretary is ill with rheumatic fever, I submitted the letter to the chairman of our finance committee, as our acting president, and am instructed to acknowledge its receipt and to say that he has referred the matter to our counsel, W. A. Ogden Hegeman, Esq., with the request that he should confer with the gentlemen referred to by you, and report to the finance committee what charges those gentlemen will propose to make for the examination desired by you to be made — that committee only having the right to authorize any expenditures other than the ordinary and usual expenses of the company.

I will advise you of their conclusion.

Yours respectfully,

A. WHEELWRIGHT,
Assistant Secretary.

(Copy.)

INSURANCE DEPARTMENT,
ALBANY, 23d April, 1880. }

A. WHEELWRIGHT, Esq., *Assistant Secretary United States Life Ins. Co., No. 261 Broadway, New York City, N. Y.:*

DEAR SIR — I beg to acknowledge receipt of your letter of 21st inst., in which you inform me that your president, Mr. Buell, has been for some time confined to his bed, and is not out of his room, and that the secretary is ill with rheumatic fever, but that my letter has been submitted to the chairman of the finance committee who is acting president of your company, and that he has referred the matter of my letter to you and your counsel, Mr. Hegeman. I venture to suggest the propriety of a definite answer being received by this department on or before the 27th instant, on which day, or the day following, I expect to meet the gentleman who succeeds me in the position I now hold, and to whose attention I shall bring the matter.

(Signed)

Respectfully yours,
JOHN F. SMYTH,
Superintendent.

(Copy.)

THE UNITED STATES LIFE INSURANCE COMPANY
IN THE CITY OF NEW YORK,
New York, *April 24, 1880.* }

Hon. Jno. F. SMYTH, *Insurance Superintendent, Albany, N. Y.:*

DEAR SIR — Your favor of the 23d inst. received. Our counsel, Mr. Hegeman, to whom the matter of conferring with the gentleman named in your previous letter in reference to the company's mortgages and real estate was referred, has been unable to attend to business on account of the death of his wife in the Madison Square garden accident. We expect, however, that he will call on the gentleman named on Monday, and report to our finance committee which meets on that day, when we will immediately advise you as to the result.

Yours very truly,

(Signed)

A. WHEELWRIGHT,
Ass't Secretary.

STATE OF NEW YORK.

No. 128.

IN ASSEMBLY,

APRIL 27, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 608, printed No. 169, entitled "An act to legalize the official acts and proceedings of Hiram Dimick, a justice of the peace of the town of Wirt, in the county of Allegany," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Chamberlain, | Fish, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 457, printed No. 94, entitled "An act to legalize and confirm the official acts of Jonathan O. Spink, of the town of Orangeville, Wyoming county, as justice of the peace," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-----------|---------------------|
| Titus, | Strait, | Fish, |
| Dougherty, | Gorsline, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.—10 |
| Clancy, | | |

Negative :

| | |
|------------------------|--------------|
| Chamberlain, | Cookinham.—2 |
| [Assem. Doc. No. 128.] | 1 |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 875, printed No. 161, entitled "An act to amend chapter two hundred and ninety of the Laws of eighteen hundred and seventy-nine, entitled 'An act to amend chapter one hundred and forty-nine of the Laws of eighteen hundred and seventy-four, entitled 'An act to amend an act, passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the Laws of eighteen hundred and seventy-one, entitled 'An act to amend an act, passed February seventeenth, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April twentieth, eighteen hundred and seventy-one, and to legalize the formation and acts of certain corporations formed according to the provisions of chapter three hundred and seventy-four of the Laws of eighteen hundred and seventy-seven," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|--------------------|
| Titus, | Clancy, | Gorsline, |
| Dougherty, | Strait, | Evans, |
| Duell, | Chamberlain, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 667, printed No. 583, entitled "An act to exempt the town of Lenox, in the county of Madison, from the provisions and operation of chapter one hundred and eighty of the Laws of eighteen hundred and seventy-five, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|---------|--------------------|
| Titus, | Clancy, | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 604, printed No. 532, entitled "An act to restrict appeals to the court of appeals in certain cases," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|------------|--------------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Wells, | Ingersoll, |
| Duell, | Cookinham, | Van Valkenburgh.—9 |

Negative:

| | | |
|---------|--------------|-------------|
| Clancy, | Chamberlain, | Gorsline.—3 |
|---------|--------------|-------------|

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 844, printed No. 709, entitled "An act to fix the salary of the town clerk and commissioner of highways of the town of Saugerties, Ulster county," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|---------|--------------------|
| Titus, | Clancy, | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 714, printed No. 621, entitled "An act authorizing the board of trustees of school district number three of the town of New Lots, in the county of Kings, to issue bonds to the amount of ten thousand dollars to refund or pay a like amount of bonds issued by said board of trustees for the erection of a school-house in pursuance of chapter one hundred and ninety-one of the Laws of eighteen hundred and seventy," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|---------|--------------------|
| Titus, | Clancy, | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 899, printed No. 745, entitled "An act for the relief of Babette Stemmler," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|---------|--------------------|
| Titus, | Clancy, | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 591, printed No. 516, entitled "An act permitting the common council of the city of Buffalo in its discretion to allow or disallow in whole or in part any claim or claims in abating certain nuisances by direction of the board of health of the city of Buffalo in the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|---------|--------------------|
| Titus, | Olancy, | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 786, printed No. 668, entitled "An act in relation to the opening, regulating and grading of One Hundred and Twenty-sixth and One Hundred and Twenty-seventh streets in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:]

Affirmative:

| | | |
|------------|------------|---------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Cookinham, | Fish, |
| Duell, | Gorsline, | Ingersoll.—10 |
| Clancy, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 775, printed No. 661, entitled "An act to amend chapter seven hundred and two of the Laws of eighteen hundred and seventy-one, entitled 'An act relative to contracts for advertisements in newspapers published on Sunday,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative:

| | | |
|------------|---------|--------------------|
| Titus, | Olancy, | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.—9 |

Negative:

| | |
|------------|-------------|
| Cookinham, | Gorsline.—2 |
|------------|-------------|

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 848, printed No. 712, entitled "An act to confirm the election of village trustees in certain cases, and to provide for and determine, by lot, their respective terms of office," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Chamberlain, | Fish, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 589, printed No. 514, entitled "An act to reduce the expenses of the improvement commission in Long Island City," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Fish, |
| Dougherty, | Chamberlain, | Ingersoll, |
| Duell, | Gorsline, | Van Valkenburgh.—11 |
| Clancy, | Evans, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 675, printed No. 590, entitled "An act to amend chapter three hundred and eighty-one of the Laws of eighteen hundred and seventy-seven, entitled 'An act to amend chapter eight hundred and ninety-six of the Laws of eighteen hundred and sixty-nine, entitled 'An act to incorporate the Crescent Company, and to extend the time within which the company thereby created may commence operations,' " passed June second, eighteen hundred and seventy-seven, and to further extend the time within which said company may commence operations, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|---------|--------------------|
| Titus, | Clancy, | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 302, printed No. 279, entitled "An act to amend section eighty-two, article three, title four, chapter two, part four of the Revised Statutes, relative to removing indictments to the supreme court from courts of oyer and terminer," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|---------|--------------------|
| Titus, | Clancy, | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 790, printed No. 671, entitled "An act to amend chapter seventy of the Laws of eighteen hundred and fifty-eight, entitled 'An act to incorporate the village of Olean, in the

county of Cattaraugus," and of the several acts amendatory thereof, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|---------|--------------------|
| Titus, | Clancy, | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 773, printed No. 659, entitled "An act for the protection of corporations organized for generating and distributing steam for heating and other purposes," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------|
| Titus, | Strait, | Gorsline, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 811, printed No. 688, entitled "An act in relation to the sale and conveyance of any interest in real estate belonging to lunatics or idiots or habitual drunkards," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Gorsline, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Ingersoll, |
| Clancy, | Cookinham, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 600, printed No. 527, entitled "An act to amend the twelfth section of the 'Act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February seventeenth, eighteen hundred and forty-eight, as said section was amended by chapter six hundred and fifty-seven of the Laws of eighteen hundred and seventy-one, and as further amended by chapter five hundred and ten of the Laws of eighteen hundred and seventy-five," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Strait,
Chamberlain,
Wells,
Cookinham,

Gorsline,
Evans,
Ingersoll,
Van Valkenburgh.—12

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 713, printed No. 620, entitled "An act to incorporate the Holstein Breeders Association of America," reported in favor of the passage of the same, with amendments as follows:

Section one, line one, change "H. C. Hoffman" to "Henry C. Hoffman;" line two, change "W. L. Chenery" to "Winthrop L. Chenery," change "W. M. Singerley" to "William M. Singerley," change "S. Hoxie" to "Solomon Hoxie;" line three, strike out the names of "T. C. Maxwell, T. G. Youmans, W. C. Brayton;" lines four and five, strike out names, "W. R. Barr, A. Bradley, L. Ellwood, J. D. Guthrie;" line five, change "E. Hindekoper" to "Edgar Hindekoper," change "D. Severy" to "Dexter Severy;" lines six and seven, strike out names of "D. D. Tracy, F. W. Wright, E. M. Washburn," and change "W. S. Tilton" to "William S. Tilton," change "P. Rothbarth" to "Paul Rothbarth," change "H. Waterman" to "Henry Waterman."

* Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Strait,
Chamberlain,
Cookinham,
Gorsline,

Evans,
Ingersoll,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 814, printed No. 691, entitled "An act to exempt the county of Saratoga from the provisions of act chapter seven hundred and thirty-three, Laws of eighteen hundred and seventy-two, so far as it authorizes the employment of assistant counsel to the district attorney of any county," reported in favor of the passage of the same, with amendments as follows:

Section one, line one, change the word "county" to "counties," strike out word "is" and insert "and Fulton are;" also to amend the title by changing the word "county" to "counties," and after the word "Saratoga" in the first line insert "and Fulton."

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Evans,
Fish,
Ingersoll,
Van Valkenburgh.—13

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 806, printed No. 683, entitled "An act authorizing the incorporation of Villa Park and suburban homestead associations," reported in favor of the passage of the same, with amendments as follows :

Section six, line three, change the word "required" to "acquired;" line twenty-one, strike out the word "to."

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|------------|---------|---------------------|
| Titus, | Clancy, | Fish, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Evans, | Van Valkenburgh.— 9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 732, printed No. 633, entitled "An act to amend chapter four hundred and thirty-six of the Laws of eighteen hundred and seventy-seven, entitled 'An act in relation to county treasurers,'" reported in favor of the passage of the same, with amendments as follows :

Section one, line six, strike out word "and;" also to add at the end of section one as follows: "Niagara, Oswego, Rensselaer, Livingston, and Erie."

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|------------|--------------|---------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Chamberlain, | Fish, |
| Duell, | Cookinham, | Ingersoll.—11 |
| Clancy, | Gorsline, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill Int. No. 1003, G. O. , printed No. , entitled "An act to amend chapter one hundred and seven of the Laws of eighteen hundred and seventy-eight, as further amended by chapter three hundred and sixty-seven, Laws of eighteen hundred and seventy-eight, entitled 'An act requiring justices of the peace to give bonds,'" reported in favor of the passage of the same, with an amendment as follows :

Section two, strike out the word "immediately," and insert "January first, eighteen hundred and eighty-one."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|---------|------------|--------------------|
| Titus, | Strait, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Van Valkenburgh.—9 |

Negative :

Chamberlain.—1.

STATE OF NEW YORK.

No. 129.

IN ASSEMBLY,

APRIL 29, 1880.

LIST OF GENERAL ORDERS.

a. o.

661. An act to provide for the taxation of banks and of moneyed capital engaged in the business of banking, receiving deposits or otherwise.
662. An act entitled "An act to regulate the licensing of physicians and surgeons."
663. An act to amend chapter 123 of the Laws of 1874, entitled "An act to amend the charter of the Hudson Suspension Bridge and New England Railway Company."
664. An act in relation to the indebtedness of the towns of Attica and Java, in the county of Wyoming.
665. An act relating to the elevated railroads in the city of New York.
666. An act to amend title two of chapter thirteen of part first of the Revised Statutes, in relation to assessments.
667. An act to exempt the town of Lenox, in the county of Madison, from the provisions and operation of chapter 180 of the Laws of 1875, entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties."
668. An act to amend chapter 482 of the Laws of 1875, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."
669. An act to regulate the dimensions and measurement of apple barrels.
670. An act to enable the legal voters of any town, city or ward thereof to determine whether the sale of intoxicating liquors shall be

licensed therein, except for medicinal, mechanical, art, scientific and sacramental use.

671. An act to exempt Fulton county from the provisions and operations of chapter 175 of the Laws of 1870, entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties."
672. An act to authorize and direct the town board of the town of Lenox, Madison county, and State of New York, to appoint an additional justice of the peace and constable in and for said town; also authorizing and directing the people of the said town of Lenox to elect an additional justice of the peace and constable.
673. An act to regulate the sale of certain liquors and to provide for the more effectual collection of excise dues.
674. An act to authorize the Equity Gas Light Company of the eastern district of the city of Brooklyn to change its name.
675. An act to amend chapter 381 of the Laws of 1877, entitled "An act to amend chapter 896 of the Laws of 1869, entitled 'An act to incorporate the Crescent Company, and to extend the time within which the company thereby created may commence operations,'" passed June 2, 1877, and to further extend the time within which said company may commence operations.
676. An act to amend section 9, title 1, chapter 291 of the Laws of 1870, entitled "An act for the incorporation of villages."
677. An act to release the interest of the people of this State in certain real estate of which Paul Pontau, late of the city of Brooklyn, county of Kings, died seized, to Nannette Johnson.
678. An act to establish a board of fire commissioners for the village of West Troy in the county of Albany.
679. An act to confirm the official acts of George M. Briggs, Charles Forbes and George W. Brimmer, commissioners of excise in and for the town of Broadalbin, in the county of Fulton, and to enable them to execute a bond to the supervisor thereof.
680. An act to amend section twenty-seven, article two, title two, chapter one, part four of the Revised Statutes of the State of New York.
681. An act relating to the title to personal property.
682. An act to legalize the action of the annual town meeting of the town of Johnstown, in the county of Fulton, held on the tenth and eleventh of February, eighteen hundred and eighty, in raising money for roads and bridges and authorizing the collection thereof.
683. An act to repress and punish disorderly conduct on public conveyances.

684. An act to amend chapter seventeen of the Laws of the second meeting of the fifty-first session of the legislature of the State of New York, entitled "An act to incorporate the contributors to the Northern dispensary of the city of New York," passed November twenty-eight, eighteen hundred and twenty-eight.
685. An act to provide for the rebuilding of the market known as Jefferson Market, in the city of New York.
686. An act to incorporate an association to be known as the "Exempt Firemen's Association of the Western District of the city of Brooklyn," to be located in the western district of the city of Brooklyn.
687. An act further to amend chapter eight hundred and sixty-three of the Laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof."
688. An act to provide for leasing wharf property necessary for ferry purposes along with the franchise of a ferry within the city of New York.
689. An act to amend section three of chapter five hundred and eighty-two of the Laws of eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty."
690. An act to provide for the election of a board of directors of the New York and Oswego Midland Railroad Company, and to compel the delivery of the stock books and papers relating to the stock of the said company to the officers of the said company.
691. An act to regulate the transportation of freight by railroad corporations.
692. An act to create a board of railroad commissioners, and to define and regulate their powers and duties.

STATE OF NEW YORK.

No. 130.

IN ASSEMBLY,

APRIL 28, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 379, printed No. 117, entitled "An act to authorize the Buffalo City Cemetery Association to acquire additional land and to erect a building for office purposes," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,

Strait,
Chamberlain,
Gorsline,

Evans,
Fish,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 783, printed No. 195, entitled "An act to incorporate the Temple Beth Zion of Buffalo, New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,

Strait,
Chamberlain,
Gorsline,

Evans,
Fish,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 579, printed No. 29, entitled "An act to establish the compensation of the county judge and judge and surrogate of the county of Orange," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

[Assem. Doc. No. 130.]

Affirmative :

Titus,
Dougherty,
Duell,

Clancy,
Strait,
Chamberlain,

Gorsline,
Evans,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 756, printed No. 190, entitled "An act to provide for the reporting of appointments to the benevolent institutions of the State," reported in favor of the passage of the same, with amendments as follows:

To add at the end of section six the following: "To which he is required to make such report;" strike out section nine, and insert in lieu thereof the following:

§ 9. Nothing in this act contained shall be held to apply to the county of Kings.

Change section "nine" to section ten;" also to amend the title by adding at the end the following: "Excepting the county of Kings."

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,

Clancy,
Strait,
Chamberlain,

Gorsline,
Evans,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 494, printed No. 448, entitled "An act to confirm the official acts of James S. Williams, Endelmer E. Moon and Theodore S. Cowles, commissioners of excise in and for the town of Tully, in the county of Onondaga," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,

Clancy,
Strait,
Chamberlain,

Gorsline,
Evans,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 680, printed No. 594, entitled "An act to amend section twenty-seven, article two, title two, chapter one, part four of the Revised Statutes of the State of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Clancy,

Strait,
Chamberlain,
Gorsline,

Evans,
Fish,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 771, printed No. 657, entitled "An act to incorporate the Robert Emmet Philo-Celtic Literary Society in the city of New York," reported in favor of the passage of the same, with an amendment as follows:

Section one, line one, change "Wm." to "William."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|--------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Chamberlain, | Fish, |
| Clancy, | Gorsline, | Ingersoll.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 657, printed No. 573, entitled "An act to amend section two of chapter four hundred and five of the Laws of eighteen hundred and seventy-nine, entitled 'An act to amend sections two and ten of chapter two hundred and forty-eight of the Laws of eighteen hundred and seventy-eight,'" reported in favor of the passage of the same, with amendments as follows:

Section one, line eight, strike out the word "second."

Line ten, strike out the word "ten," also words "in the forenoon," also the word "two."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|--------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Chamberlain, | Fish, |
| Clancy, | Gorsline, | Ingersoll.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 371, printed No. 400, entitled "An act for the incorporation of mutual tontine annuity societies," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------|
| Titus, | Strait, | Evans, |
| Dougherty, | Chamberlain, | Fish, |
| Duell, | Gorsline, | Ingersoll.—10 |
| Clancy, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 614, printed No. 539, entitled "An act to incorporate the Bachelor Club of the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,

Clancy,
Strait,
Chamberlain,

Gorsline,
Evans,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 760, printed No. 651, entitled "An act to amend chapter four hundred and forty-one of the Laws of eighteen hundred and sixty-four, entitled 'An act in relation to the performance of highway labor in Queens county,'" reported in favor of the passage of the same, with amendments as follows:

Strike out section seventeen and insert in lieu thereof the following:

"SECTION 17. One of the members of said board of highway commissioners shall act as secretary of said board, and shall receive therefor compensation not to exceed, in amount, the sum of two hundred dollars in any one year."

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,

Clancy,
Strait,
Chamberlain,

Gorsline,
Evans,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 603, printed No. 531, entitled "An act amending subdivision seven, chapter four hundred and forty-eight of the Laws of eighteen hundred and seventy-six, commonly known as the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,

Clancy,
Strait,
Chamberlain,

Gorsline,
Evans,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 747, printed No. 645, entitled "An act to secure the payment of mechanics, laborers and workmen, who perform work, also persons furnishing materials toward the erection, altering or repairing buildings, wharves, vaults or any other structure in the cities of the State of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Duell,

Clancy,
Strait,
Chamberlain,

Gorsline,
Evans,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 486, printed No. 440, entitled "An act for relief of Isaac Piser," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,

Clancy,
Strait,
Chamberlain,

Gorsline,
Evans,
Ingersoll.—9

STATE OF NEW YORK.

No. 131.

IN ASSEMBLY,

APRIL 29, 1880.

BILLS

REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and Clerk, with the consent of the House, refer the following bills to the sub-committee of the whole :

No. 703, G. O. 831 — Mr. Lindsay :

An act to amend chapter 554 of the Laws of 1873, entitled "An act amending chapter 837, Laws of 1868, and chapter 623, Laws of 1869, in reference to the laying out, opening and continuing Bushwick avenue, in the town of New Lots, Kings county."

No. 739, G. O. 885 — Mr. Clowes :

An act in relation to assessments for taxes in Long Island City.

No. 680, G. O. 801 — Mr. Clowes :

An act to repeal an act entitled "An act to create a metropolitan sanitary district and a board of health therein for the preservation of life and health and to prevent the spread of disease," passed February 26, 1866, so far as it relates to the town of Newtown, Queens county, and to provide for the appointment of a board of health in said town, and defining its powers and duties.

No. 746, G. O. 900 — Mr. Russell :

An act to release to the trustees of the Philadelphia Eye and Ear Infirmary any claim to the estate of Ann Margaret Shinn, deceased.

No. 731, G. O. 869 — Mr. Ellis :

An act to amend chapter 8 of part 3 of the Revised Statutes, entitled "Of distraining cattle and other chattels doing damage, and of distraining in other cases."

No. 591, G. O. 676 — Mr. Chickering :

An act to amend section 9, title 1, chapter 291 of the Laws of 1870, entitled "An act for the incorporation of villages."

No. 781, G. O. 859 — Mr. Evans :

An act to legalize the official acts of Casper B. Vescelius, a justice of the peace in the county of Seneca.

No. 689, G. O. 812 — Mr. Russell :

An act to amend "An act relating to courts, officers of justice and civil proceedings," passed June 2, 1876.

No. 748, G. O. 904 — Mr. Youngs :

An act in relation to the city government of Long Island City.

No. 747, G. O. 903 — Mr. Youngs :

An act in relation to unpaid taxes and water assessments in Long Island City.

No. 722, G. O. 860 — Mr. Travis :

An act to amend chapter 332 of the Laws of 1875, entitled "An act to amend chapter 610 of Laws of 1874, entitled 'An act to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the several towns of the county of Westchester.'"

No. 535, G. O. 607 — Mr. Russell :

An act releasing all the right, title and interest of the people of the State of New York to and in certain lands in the city of Brooklyn, eastern district, formerly town of Bushwick, county of Kings, formerly lying in the East river.

No. 537, G. O. 611 — Mr. Terry :

An act to encourage improvement in steam propulsion upon the Champlain canal.

No. 725, G. O. 865 — Mr. Nowlan :

An act to amend chapter 297 of the Laws of 1862, entitled "An act to incorporate the fire department of the village of Owego, passed April 17, 1862"

No. 696, G. O. 824 — Mr. Sharpe :

An act to amend chapter 126 of the Laws of 1861, entitled "An act to authorize the election of one overseer of the poor in the town of Saugerties, Ulster county."

No. 711, G. O. 847 — Mr. Sharpe :

An act to further amend chapter 262 of the Laws of 1855, entitled "An act revising and amending an act entitled 'An act to incorporate the village of Ulster.'"

No. 690, G. O. 813 — Mr. Cohen :

An act to incorporate the Friendship Association of the city of New York.

No. 720, G. O. 858 — Mr. Treanor :

An act for the protection of sureties on the bonds of contractors with municipal corporations.

No. 719, G. O. 857 — Mr. Bradley :

An act to amend chapter 570 of the Laws of 1872, entitled ' An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn,' and to repeal chapter 572 of the Laws of 1871, entitled " An act to amend an act entitled ' An act in relation to elections in the city and county of New York.' "

No. 538, G. O. 612 — Mr. Mead :

An act to authorize cities and incorporated villages to charge license fees to persons doing a retail business on the canals of this State.

No. 665, G. O. 779 — Mr. Mitchell :

An act to amend an act entitled " An act to authorize the formation of ' corporations for manufacturing, mining, mechanical, or chemical purposes,' " passed February 17, 1848, and for other purposes.

No. 685, G. O. 808 — Mr. Husted :

An act to amend chapter 806 of the Laws of 1868, entitled " An act to incorporate the Fire Proof Warehousing Company," passed May 9, 1868.

No. 704, G. O. 832 — Mr. O'Connor :

An act to incorporate the " Empire Yacht Club " of the city of New York.

Senate bill No. 233, G. O. 881 — Mr. Astor :

An act to further amend chapter 908 of the Laws of 1867, entitled " An act for the regulation of tenement and lodging houses in the cities of New York and Brooklyn," as amended by chapter 504 of the Laws of 1879.

Senate bill No. 203, G. O. 654 — Mr. Mills :

An act to amend chapter 330 of the Laws of 1850, entitled " An act reincorporating the village of Little Falls by the name of Rockton," and the laws amendatory thereof.

Senate bill No. 250, G. O. 839 — Mr. Schroeder :

An act to amend chapter 604 of the Laws of 1875, entitled " An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York, or in Raritan bay within the jurisdiction of the State of New York."

Senate bill No. 113, G. O. 817 — Mr. Astor :

An act to regulate the dispensing and sale of poisons within this State.

Senate bill No. 187, G. O. 695 — Mr. Pitts:

An act to provide for the formation of county co-operative insurance companies.

Senate bill No. 177, G. O. 765 — Mr. Pitts:

An act concerning the grounds, buildings and property of the State provided for normal schools, the custody, protection and preservation of the same, and the powers of local boards in relation thereto.

Senate bill No. 119, G. O. 864 — Mr. Schroeder :

An act to allow the continued use of a business name or designation in certain cases.

Senate bill No. 183, G. O. 871 — Mr. Jacobs :

An act to amend chapter 280 of the Laws of 1847, entitled "An act in relation to the judiciary."

Senate bill No. 145, G. O. 526 — Mr. Woodin :

An act to amend chapter 524 of the Laws of 1853, entitled "An act to amend an act entitled 'An act to incorporate the Montezuma Turnpike and Bridge Company.'"

Senate bill No. 222, G. O. 845 — Mr. Murtha:

An act to protect the holders of casualty insurance policies, and to prevent the use of fictitious or deceptive names by individuals or corporations doing such insurance.

No. 623, G. O. 716 — Mr. McAvoy:

An act granting rights to cities, counties and towns.

STATE OF NEW YORK.

No. 132.

IN ASSEMBLY,

APRIL 29, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 511, printed No. 120, entitled "An act to enforce the assessment of shareholders in banking associations to make good a deficit in capital," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Clancy,
Griggs,

Strait,
Nowlan,
Evans,

Fish,
Ingersoll,
Van Valkenburgh.—10

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 787, printed No. 92, entitled "An act to change the name of, and in relation to, the Association for Befriending Children," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Clancy,
Griggs,

Strait,
Nowlan,
Evans,

Fish,
Ingersoll,
Van Valkenburgh.—10

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill Int. 616, G. O. 919, not printed, entitled "An act to amend chapter two hundred and seventeen of the Laws of eighteen hundred and seventy-five, entitled 'An act relative to the Farmers' Loan and Trust Company,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|---------|---------------------|
| Titus, | Strait, | Fish, |
| Dougherty, | Nowlan, | Ingersoll, |
| Carpenter, E. A., | Evans, | Van Valkenburgh.—10 |
| Griggs, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill Int. No. 1052, G. O. 934, not printed, entitled "An act to provide for the payment of certain work executed in connection with the construction of the outlet sewer in East Forty-second street, in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|---------|---------------------|
| Titus, | Strait, | Fish, |
| Dougherty, | Nowlan, | Ingersoll, |
| Carpenter, E. A., | Evans, | Van Valkenburgh.—10 |
| Griggs, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill Int. No. 1109, G. O. 914, not printed, entitled "An act to provide for the better protection of discharged or pardoned convicts, and to prevent breaches of the public peace, and to punish violations thereof," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|---------|--------------------|
| Titus, | Strait, | Fish, |
| Dougherty, | Nowlan, | Ingersoll, |
| Carpenter, E. A., | Evans, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 822, printed No. 694, entitled "An act to amend section five of article one, title two, chapter eleven of part one of the Revised Statutes, relating to town meetings," reported in favor of the passage of the same, with an amendment as follows:

To add at the end of section thirteen the following:

“But no moneys shall be so raised for the maintenance and support of fire companies in any incorporated village of such town.”

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|---------|---------------------|
| Titus, | Strait, | Fish, |
| Dougherty, | Nowlan, | Ingersoll, |
| Carpenter, E. A., | Evans, | Van Valkenburgh.—10 |
| Griggs, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 887, printed No. 741, entitled “An act to further amend an act entitled ‘An act to amend an act to prevent animals from running at large in the public highways, passed April twenty-third, eighteen hundred and sixty-two, and to create a short bar to actions arising under said act,’” passed May ninth, eighteen hundred and sixty-seven, reported in favor of the passage of the same, with an amendment as follows:

To amend the title by striking out, in the first line, the word “further,” also the words “an act” where the same appear first, and inserting after the first word “amend” the words “chapter four hundred and twenty-four of the Laws of eighteen hundred and sixty-nine.”

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|---------|--------------------|
| Titus, | Griggs, | Evans, |
| Dougherty, | Strait, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 715, printed No. 622, entitled “An act to vest in the board of supervisors certain additional powers,” reported in favor of the passage of the same, with amendments as follows:

To add as section two the following:

“Section 2. Nothing in this act shall affect the counties of Erie, Niagara, Monroe, Otsego, Jefferson, Ontario, Tioga, Suffolk, Oneida or Albany.”

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|---------|---------------------|
| Titus, | Strait, | Fish, |
| Dougherty, | Nowlan, | Ingersoll, |
| Carpenter, E. A., | Evans, | Van Valkenburgh.—10 |
| Griggs, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 861, printed No. 723, entitled “An act

to authorize summary proceedings by mandamus against common carriers," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|---------|--------------------|
| Titus, | Griggs, | Evans, |
| Dougherty, | Strait, | Fish, |
| Carpenter, E. A., | Nowlan, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 776, printed No. 662, entitled "An act to authorize and direct the county clerk of Richmond county to record certain papers now on file in the Richmond county clerk's office," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|---------|---------------------|
| Titus, | Strait, | Fish, |
| Dougherty, | Nowlan, | Ingersoll, |
| Clancy, | Evans, | Van Valkenburgh.—10 |
| Griggs, | | |

STATE OF NEW YORK.

No. 183.

IN ASSEMBLY,

MAY 15, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 871, printed No. 183, entitled "An act to amend chapter two hundred and eighty of the Laws of eighteen hundred and forty-seven, entitled 'An act in relation to the judiciary,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Clancy,
Strait,
Chamberlain,

Wells,
Cookinham,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll,
Van Valkenburgh.—13

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 654, printed No. 203, entitled "An act to amend chapter three hundred and thirty of the Laws of eighteen hundred and fifty, entitled 'An act reincorporating the village of Little Falls by the name of Rockton,' and the laws amendatory thereof," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Clancy,
Strait,
Chamberlain,

Wells,
Cookinham,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll,
Van Valkenburgh.—13

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 695, printed No. 187, entitled "An act to provide for the formation of county co-operative insurance companies," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|--------------|------------|---------------------|
| Titus, | Wells, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—13 |
| Chamberlain, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 839, printed No. 250, entitled "An act to amend chapter six hundred and four of the Laws of eighteen hundred and seventy-five, entitled 'An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York, or in Raritan bay within the jurisdiction of the State of New York,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|--------------|------------|---------------------|
| Titus, | Cookinham, | Evans, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—10 |
| Chamberlain, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 864, printed No. 119, entitled "An act to allow the continued use of a business name or designation in certain cases," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—11 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 630, printed No. 178, entitled "An act to incorporate the Grand Council of Royal Templars of Temperance of the State of New York, and to provide for the organization of select councils," reported in favor of the passage of the same, with amendments as follows:

Strike out first four lines of section one, engrossed bill, and insert the following: "Joseph W. Grosvenor, Linus S. Freeman, William H. Freshour, Edwin H. Abbott, James W. Green, William D. Lewis, Edwin Elmore, Simon P. Green, George W. Dowe."

Section two, line four, strike out the words, "strikes and."

Section three, line nine, after the word "State," insert "or the rules and regulations of the supreme council."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|---------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, . . | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill Int. 1085, G. O. 925, not printed, entitled "An act to revise and amend title eleven of chapter two hundred and ninety-one of the Laws of eighteen hundred and seventy-seven, entitled 'An act to incorporate the city of Binghamton,' and the several acts amendatory thereof," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Evans, |
| Clancy, | Cookinham, | Fish, |
| Strait, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill Int. No. 1121, G. O. 922, not printed, entitled "An act for the relief of certain persons engaged in the practice of dentistry within this State," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, . | Van Valkenburgh.—11 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 852, printed No. 716, entitled "An act making it unlawful for the officers of any orphan asylum, charitable institution or other reformatory or temporary home for destitute children in this State, having the care or custody of any child or children between the ages of two and sixteen years, to employ in the care of any such child or children the services of any inmate of any poor-house, alms-house, work-house or penitentiary," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 900, printed No. 746, entitled "An act to release to the trustees of the Philadelphia Eye and Ear Infirmary any claim to the estate of Ann Margaret Shinn, deceased," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|--------------|------------|---------------------|
| Titus, | Wells, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—13 |
| Chamberlain, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 612, printed No. 538, entitled "An act to authorize cities and incorporated villages to charge license fees to persons doing a retail business on the canals of this State," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|--------------|------------|---------------------|
| Titus, | Wells, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—13 |
| Chamberlain, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 824, printed No. 606, entitled "An act to amend chapter one hundred and twenty-six of the Laws of eighteen hundred and sixty-one, entitled 'An act to authorize the election of one overseer of the poor in the town of Saugerties, Ulster county,'" reported in favor of the passage of the same, with an amendment as follows:

Strike out section two, and insert in lieu thereof the following :

"§ 2. This act shall take effect at the expiration of the term of the present overseer of the poor of the said town of Saugerties."

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 859, printed No. 721, entitled "An act to legalize the official acts of Casper B. Vescelius, a justice of the peace in the county of Seneca," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 593, printed No. 518, entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April sixteenth, eighteen hundred and sixty-four, and the several acts additional thereto and amendatory thereof," reported in favor of the passage of the same, with amendments as follows:

Strike out section nine; change section "ten" to section "nine."

Also to amend the title so that it will read

"An act to amend chapter two hundred and four of the Laws of eighteen hundred and sixty-four, entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh.'"

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|--------------|------------|---------------------|
| Titus, | Wells, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—13 |
| Chamberlain, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 869, printed No. 731, entitled "An act to amend chapter eight of part three of the Revised Statutes, entitled 'Of distraining cattle and other chattels doing damage, and of distraining in other cases,' reported in favor of the passage of the same, with an amendment as follows:

To amend the title by inserting after the word amend, in the first line, the following: "section two of title eleven of."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|--------------|------------|---------------------|
| Titus, | Wells, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—13 |
| Chamberlain, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill Int. 1032, G. O. 866, not printed, entitled "An act protecting fish in certain waters of this State," reported in favor of the passage of the same, with amendments as follows:

Section one, line five, strike out word "or" after the word "Oneida;" and insert after the word "rivers," in line six, the following: "or in the American waters of Niagara river above Niagara Falls."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish, |
| Clancy, | Gorsline, | Van Valkenburgh.—11 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 815, printed No. 692, entitled "An act providing for the compensation of the county judge and the surrogate of the county of Oneida," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 813, printed No. 690, entitled "An act to incorporate the Friendship Association of the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Cookinham, | Evans, |
| Clancy, | Gorsline, | Ingersoll.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 611, printed No. 537, entitled "An act to encourage improvement in steam propulsion upon the Champlain canal," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—11 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 420, printed No. 385, entitled "An act to amend an act entitled 'An act to amend chapter two hundred and sixty-seven of the Laws of eighteen hundred and seventy-five, entitled 'An act for the incorporation of societies or clubs for certain recreative purposes,' passed March fourteenth, eighteen hundred and seventy-six," reported in favor of the passage of the same, with an amendment as follows:

To amend the title by striking out the words "passed March fourteenth, eighteen hundred and seventy-six."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—11 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 847, printed No. 711, entitled "An act to further amend chapter two hundred and sixty-two of the Laws of eighteen hundred and fifty-five, entitled 'An act revising and amending an act entitled 'An act to incorporate the village of Ulster,' " reported in favor of the passage of the same, with amendments as follows :

Section one, line five, strike out the words "The directors of said village shall appoint three of their number," and insert "The president of the board of directors shall annually, at the meeting of the said board previous to the election for village officers, appoint three of the said directors."

Also to add at end of section one as follows :

"And who shall serve as such inspectors for one year after, and from their appointment."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—11 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 885, printed No. 739, entitled "An act in relation to assessments for taxes in Long Island City," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|------------|--------------------|
| Titus, | Strait, | Evans, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 247, printed No. 230, entitled "An act to repeal chapter forty-seven of the Laws of eighteen hundred and seventy-nine, entitled 'An act authorizing the reduction of pay of certain town officers in the county of Sullivan,'" passed February twenty-sixth, eighteen hundred and seventy-nine, reported in favor of the passage of the same, with amendments as follows:

To amend section two so that it will read:

"This act shall take effect immediately."

Also to amend the title by striking out the words:

"Passed February twenty-sixth, eighteen hundred and seventy-nine."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—11 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 319, printed No. 296, entitled "An act to exempt the corporation of the village of Monticello, in Sullivan county, and the trustees and other officers of said village, from the provisions of chapter four hundred and forty of the Laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank roads and turnpikes,'" passed May eighth, eighteen hundred and seventy-three," reported in favor of the passage of the same, with an amendment as follows:

To amend the title by striking out the words:

"Passed May eighth, eighteen hundred and seventy-three."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—11 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 779, printed No. 665, entitled "An act to amend an act entitled 'An act to authorize the formation of 'corporations for manufacturing, mining, mechanical or chemical purposes,'" "

passed February seventeenth, eighteen hundred and forty-eight, and for other purposes, reported in favor of the passage of the same, with an amendment as follows:

To amend the title so that it will read:

“An act to amend section twenty-three of chapter forty of the Laws of eighteen hundred and forty-eight, entitled ‘An act to authorize the formation of ‘corporations for manufacturing, mining, mechanical or chemical purposes.’”

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Clancy,
Strait,

Chamberlain,
Cookinham,
Nowlan,

Evans,
Ingersoll,
Van Valkenburgh.—10

[Assem. Doc. No. 133.]

2

STATE OF NEW YORK.

No. 134.

IN ASSEMBLY,

MAY 5, 1880.

REPORT

OF THE COMMITTEE ON INSURANCE.

Report and accompanying documents submitted May 5, 1880, by the Committee on Insurance to the Assembly, in obedience to resolutions adopted March 31 and April 6, 1880.

CHARLES S. BAKER, of Monroe, Chairman.

VARNUM, of New York.

SANDERS, of Genesee.

STEELE, of Oswego.

PECK, of St. Lawrence.

E. A. CARPENTER, of Suffolk.

RUSSELL, of Kings.

DAVIS, of Steuben.

CATLIN, of Westchester.

CUSHING, of New York.

Committee.

REPORT.

To the Assembly :

The undersigned, your Committee on Insurance, respectfully report that, in obedience to your resolutions, adopted March 31, 1880, of which the following are copies :

Resolved, That the Committee on Insurance of the Assembly be and is hereby directed to ascertain and report to this body within twenty days the total sum paid respectively by each Insurance Company of this State, during the last five years, for or on account of any examination of such Insurance Company by the direction of the Superintendent of the Insurance Department, said report to state in items the kind of service for which payment was made, the amount paid to each person who claimed compensation, and the amount claimed by each of said persons, also

Resolved, That the said Committee on Insurance shall have power to send for persons and papers, if it shall deem such action necessary, and that it shall require all reports made to it by each of the Insurance Companies to be attested by the oaths of the officers making the returns.

Resolved, That the Committee on Insurance of the Assembly be and is hereby directed to ascertain and report to this body within fifteen days the date of the appointment of each receiver of any insurance company or companies in this State, the name of such receiver, by what judge he was appointed, what the appraised value of the assets of each said company was as made by said receiver, how much money has been realized by said receiver from the conversion of the assets of each company, how much money each receiver now has in his hands or on deposit, the sums he has on deposit and where deposited, whether on interest, and if so, the rate of interest, the amount of dividends, if any, paid to policy-holders, and the per cent. of such dividends, and further, the total expenditures by his receivership, the items of such expenses, and the persons to whom payments have been made by the receivers, and for what purposes, and what fees or payments have been made to each of said receivers for his services as said receiver. Also,

Resolved, That the said Committee have power to send for persons and papers, if it shall deem such action necessary.

They caused copies of such resolutions to be transmitted by mail to the several persons, corporations and receivers mentioned in the annexed schedule marked "A," with a request for the information desired. That in response thereto they have received reports from all the companies and receivers except those particularly mentioned in the annexed schedule marked "B."

The reports from the several companies, relative to expenses paid for examinations, during the past five years, have been tabulated, and such table is hereto annexed marked "C." The answers to the resolution from the several receivers of insolvent companies could not well be tabulated but all such are herewith returned as part of this report, together with the several communications received from insurance companies. The several reports by receivers of insolvent companies appear to have been carefully prepared and fairly meet the requirements of the resolution. The report from the receivers of the Continental Life Insurance Company, (Mr. John P. O' Neill) is accompanied by various exhibits, which, though not strictly required under the resolution of instructions to your committee, serve to render the report very complete.

Pursuant to the resolution adopted April 6, 1880, of which the following is a copy :

Resolved, That the committee on insurance of the Assembly be and is hereby directed to procure, in addition to the information required by the resolution of Mr. Skinner, adopted on the 31st ultimo, the names of the insurance companies examined during the past five years, the nature of such examination, the result thereof, and under the authority of what Superintendent the investigation was ordered, commenced and finished.

Your committee respectfully submit the accompanying letter dated April 26, marked "D" with the statement following the same, all which is respectfully submitted.

CHARLES S. BAKER,
Chairman.

JAMES M. VARNUM,
E. A. CARPENTER,
W. H. STEELE,
CHARLES H. RUSSELL,
J. W. DAVIS,
DANIEL PECK,
JOHN E. GILLETTE,
JOHN SANDERS,
WILLIAM H. CATLIN,
WILLIAM CUSHING.

Dated ALBANY, *May* 1, 1881.

EXHIBITS.

"A."

Copy of Assembly resolutions of March 31, 1880, sent to the following named companies, viz.:

New York State Fire Insurance Companies transacting business.

Agricultural, Watertown, N. Y.; Albany, Albany, N. Y.; American Fire, 120 Broadway, New York city; American Exchange Fire, 61 Liberty street, New York city; Broadway, 158 Broadway, New York city; Brooklyn, 32 Court street, Brooklyn, N. Y.; Buffalo, 44 Main street, Buffalo, N. Y.; Buffalo German, 447 Main street, Buffalo, N. Y.; Citizens, 156 Broadway, New York city; City Fire, 111 Broadway, New York city; Clinton Fire, 156 Broadway, New York city; Columbia Fire, 59 Liberty street, New York city; Commerce, Albany, N. Y.; Commercial Fire, 157 Broadway, New York city; Continental, 100 Broadway, New York city; Eagle Fire, 71 Wall street, New York city; Empire City Fire, 102 Broadway, New York city; Exchange Fire, 172 Broadway, New York city; Farragut Fire, 346 Broadway, New York city; Firemen's, 153 Broadway, New York city; Fireman's Trust, 201 Montague street, Brooklyn, N. Y.; Franklin and Emporium, 237 Broadway, New York city; German American, 113 Broadway, New York city; Germania Fire, 175 Broadway, New York city; Glens Falls, Glens Falls, N. Y.; Globe Fire, 161 Broadway, New York city; Greenwich, 151 Broadway, New York city; Guardian Fire, 187 Broadway, New York city; Hamilton Fire, 11 Wall street, New York city; Hanover Fire, 120 Broadway, New York city; Hoffman Fire, 113 Broadway, New York city; Home Fire, 119 Broadway, New York city; Hope Fire, 167 Broadway, New York city; Howard, 66 Wall street, New York city; Importers and Traders, 192 Broadway, New York city; Irving, 157 Broadway, New York city; Jefferson, 111 Broadway, New York city; Kings County Fire, 87 Broadway, Brooklyn, N. Y.; Knickerbocker Fire, 64 Wall street, New York city; LaFayette Fire, 359 Fulton street, Brooklyn, N. Y.; Lamar, 184 Broadway, New York city; Lenox Fire, 158 Broadway, New York city; Long Island, 203 Montague street, Brooklyn, N. Y.; Lorillard, 152 Broadway, New York city; Manhattan Fire, 68 Wall street, New York city; Manufacturers and Builders, 207 Broadway, New York city; Mechanics Fire, 217 Montague street, Brooklyn, N. Y.; Mechanics and Traders, 48 Wall street, New York city; Mercantile Fire, 166 Broadway, New York city; Merchants, 149 Broadway, New York city; Montauk, 22 Court street, Brooklyn, N. Y.; Nassau, 28 Court street, Brooklyn, N. Y.; National, 52 Wall street, New York city; New York and

Boston, 176 Broadway, New York city; New York Bowery, 24 Bowery, New York city; New York City, 100 Broadway, New York city; New York Equitable, 58 Wall street, New York city; New York Fire, 72 Wall street, New York city; Niagara Fire, 201 Broadway, New York city; Northern, Watertown, N. Y.; North River, 202 Greenwich street, New York city; Pacific Fire, 470 Broadway, New York city; Park Fire, 170 Broadway, New York city; Peoples Fire, 393 Canal street, New York city; Peter Cooper, corner Third avenue and Ninth street, New York city; Phenix, 12 Court street, Brooklyn, N. Y.; Relief, 149 Broadway, New York city; Republic, 153 Broadway, New York city; Rochester German, Rochester, N. Y.; Rutgers, 180 Chatham street, New York city; St. Nicholas, 166 Broadway, New York city; Standard, 62 Liberty street, New York city; Star, 141 Broadway, New York city; Sterling, 155 Broadway, New York city; Stuyvesant, 122 Bowery, New York city; Tradesmen's, 168 Broadway, New York city; Union Fire, Buffalo, N. Y.; United States, 115 Broadway, New York city; Watertown, Watertown, N. Y.; Westchester, 141 Broadway, New York city; Williamsburgh City, Evening Post Building, New York city.—81.

New York State Marine Insurance Companies Transacting Business.

Atlantic Mutual, 51 Wall street, New York city; Commercial Mutual, 57 William street, New York city; Great Western, 50 Wall street, New York city; Mercantile Mutual, 35 Wall street, New York city; New York Mutual, 61 William street, New York city; Orient, 41 Wall street, New York city; Pacific, 173 Broadway, New York city; Sun, 1 Nassau street, New York city.—8.

New York State Mutual Fire Insurance Companies Transacting Business.

Orange County Mutual, Goshen, N. Y.; Dutchess County Mutual, Poughkeepsie, N. Y.; Erie County Mutual, Buffalo, N. Y.; Glen Cove Mutual, Glen Cove, N. Y.; Mutual' Albany, N. Y.; Richmond County Mutual, Richmond, N. Y.; Suffolk County Mutual, Southold, N. Y.—7.

New York State Fire Insurance Companies in hands of Receivers.

Aetna, F. A. Conkling, 172 Broadway, New York city; Adriatic, William A. Seaver, 187 Broadway, New York city; Arctic, Vincent Flynn, 71 Liberty street, New York city; Atlantic, John D. Cocks, 178 Broadway, New York city; Baltic, William H. Kipp, 231 Broadway, New York city; Beekman, Hon. F. M. Bixby, Senate Chamber, Albany, N. Y.; Brewers and Maltsters, Peter Amerman, 139 Broadway, New York city; Commercial Exchange, William R. Foster, 104 Broadway, New York city; Farmer's Joint Stock, Marcus D. Drew, Meridian, N. Y.; "Firemen's Fund" and "Metropolitan," Charles E. Appleby, 167 Broadway, New York city; Fulton, John M. Furman, 346 Broadway, New York city; Harmony, Thomas G. Barry, 34 Wall street, New York city; Homestead, Smith S. Woolworth, Watertown, N. Y.:

Irving, M. S. Crowell, 157 Broadway, New York city; Lorillard, Carlisle Norwood, 152 Broadway, New York city; Manhattan, A. J. Smith, 68 Wall street, New York city; Oswego and Onondaga, E. Kirby West, Baldwinsville, N. Y.; Ridgewood, 178 Broadway, New York city; Security, E. H. Woolton, 31 Broad street, New York city; Washington Insurance Company, William K. Lathrop, 170 Broadway, New York city; Washington Fire, G. B. Saterlee, 30 Pine street, New York city.—21.

New York State Life Insurance Companies, Transacting Business.

Brooklyn, 320 Broadway, New York city; Equitable Life Assurance Society, 120 Broadway, New York city; Germania, 287 Broadway, New York city; Home, 254 Broadway, New York city; Homœopathic Mutual, 257 Broadway, New York city; Manhattan, 156 Broadway, New York city; Metropolitan, corner Church street and Park Place, New York city; Mutual, 144 Broadway, New York city; New York, 346 Broadway, New York city; Provident Savings Life Assurance Society, 195 Broadway, New York city; United States, 261 Broadway, New York city; Washington, 155 Broadway, New York city.—12.

New York Life Insurance Companies not Transacting new Business.

Knickerbocker, Park Place and Broadway, New York city; New York Life and Trust, Park Place and Broadway, New York city; Western New York, Batavia, N. Y.; Universal, 17 and 19 Warren street, New York city.—4.

New York Life Insurance Companies in hands of Receivers.

American Popular, E. Z. Lawrence, 58 Broadway, New York city; Asbury, A. V. Stout, National Shoe and Leather Bank, New York city; Atlantic, Edward Newcomb, Albany, N. Y.; Commonwealth, Thomas S. Moore, 102 Broadway, New York city; Continental, John P. O'Neil, 26 Nassau street, New York city; Eclectic, Philo T. Ruggles, 39 Wall street, New York city; Globe, James D. Fish, corner Fulton and Nassau street, New York city; New York State, Henry R. Pierson, Albany, N. Y.; North America, Henry R. Pierson, Albany, N. Y.; Reserve Mutual, Henry R. Pierson, Albany, N. Y.; Widows and Orphans, Henry R. Pierson, Albany, N. Y.; Guardian, Henry R. Pierson, Albany, N. Y.; Security, W. H. Wickham, 31 Pine street, New York city; World, S. W. Rosendale, Albany, N. Y.—14.

New York Casualty Insurance Companies.

Knickerbocker, 187 Broadway, New York city; Metropolitan, 61 Liberty street, New York city.—2.

"B."

Companies that have not replied to Assembly resolutions of March 31, 1880.

MERCANTILE MUTUAL MARINE.

Receivers.

Fireman's Fund, Charles E. Appleby, receiver.
Metropolitan Fire, Charles E. Appleby, receiver.

Report Received.

World Mutual Life, S. W. Rosendale, receiver.

"C."

List of *Insurance Companies* that have replied to *Assembly* resolutions of *March 31, 1880*, showing amounts paid for examinations made under direction of the *Insurance Department* for the past five years.

Fire and Marine Companies.

| Name of Company. | Amount paid during five years past. |
|----------------------------|--|
| Agricultural..... | |
| Albany..... | |
| American Fire..... | \$150 80 |
| American Exchange..... | 92 40 |
| Broadway..... | 85 40 |
| Brooklyn..... | |
| Buffalo..... | |
| Buffalo German..... | 70 60 |
| Citizens..... | |
| City Fire..... | |
| Clinton Fire..... | 46 40 |
| Columbia..... | 136 20 |
| Commerce..... | |
| Commercial..... | 400 60 |
| Continental..... | |
| Eagle..... | |
| Empire City..... | |
| Exchange..... | |
| Farragut..... | |
| Firemans..... | |
| Firemans Trust..... | |
| Franklin and Emporium..... | 354 62 |
| German American..... | |
| Germania..... | 24 20 |
| Glens Falls..... | 42 35 |
| Globe Fire..... | 106 20 |
| Greenwich..... | |
| Guardian..... | 98 38 |
| Hamilton..... | |
| Hanover..... | |

| | |
|---------------------------------|---------|
| Hoffman..... | |
| Home..... | |
| Hope..... | \$59 70 |
| Howard..... | |
| Importers and Traders..... | |
| Irving..... | 54 20 |
| Jefferson..... | |
| Kings County..... | |
| Knickerbocker Fire..... | 69 00 |
| LaFayette..... | |
| Lamar..... | |
| Lenox..... | 66 30 |
| Long Island..... | |
| Lorillard..... | 124 70 |
| Manhattan..... | |
| Manufacturers and Builders..... | 142 40 |
| Mechanics..... | |
| Mechanics and Traders..... | |
| Mercantile..... | |
| Merchants..... | 256 30 |
| Montauk..... | |
| Nassau..... | |
| National..... | |
| New York and Boston..... | |
| New York Bowery..... | |
| New York City..... | 167 15 |
| New York Equitable..... | |
| New York Fire..... | |
| Niagara..... | |
| Northern..... | 297 55 |
| North River..... | |
| Pacific..... | |
| Park..... | |
| Peoples..... | |
| Peter Cooper..... | |
| Phenix..... | |
| Relief..... | |
| Republic..... | 307 26 |
| Rochester German..... | 43 47 |
| Rutgers..... | |
| St. Nicholas..... | 81 70 |
| Standard..... | 14 61 |
| Star..... | 93 40 |
| Sterling..... | 65 00 |
| Stuyvesant..... | |
| Tradesmens..... | 169 00 |
| Union Fire..... | |
| United States..... | |
| Watertown..... | |
| Westchester..... | 711 90 |
| Williamsburgh City..... | 16 99 |
| Orange County Mutual..... | \$54 34 |

| | |
|---|-------|
| Dutchess County Mutual | 46 92 |
| Erie County Mutual | 79 60 |
| Richmond County Mutual | 24 95 |
| Suffolk County Mutual | |
| Glen Cove Mutual | 23 40 |
| Mutual (Albany) | |
| Atlantic Mutual Marine | |
| Commercial Mutual Marine | |
| Great Western Marine | |
| Mercantile Mutual Marine (In hands of assignee) | |
| New York Mutual Marine | |
| Orient Marine | |
| Pacific Marine | |
| Sun Marine | |

Life Companies.

| | |
|--------------------------|------------|
| Brooklyn Life | \$2,859 01 |
| Equitable | 887 10 |
| Germania | 7,502 03 |
| Home | 2,984 70 |
| Homœopathic Mutual | 1,288 30 |
| Manhattan | 6,693 16 |
| Metropolitan | 4,482 10 |
| Mutual | 380 05 |
| New York | 33,326 46 |
| Provident Savings | 21 80 |
| United States | 240 87 |
| Washington | 269 59 |

Life Companies not doing new Business.

| | |
|-------------------------------|------------|
| Knickerbocker | \$9,477 40 |
| New York Life and Trust | |
| Western New York | 14 72 |
| Universal | 12,505 13 |

Casualty Companies.

| | |
|--------------------------------|----------|
| Knickerbocker Casualty | \$124 80 |
| Metropolitan Plate Glass | 136 18 |

“D.”

INSURANCE DEPARTMENT, *Albany, April 20, 1880.*

Hon. C. S. BAKER, *Chairman Insurance Committee,*

Assembly Chamber, Albany, N. Y.:

SIR—I have the honor to inclose herewith, in tabular form, the information which you verbally requested me to furnish to you; and which contains the information required by a certain resolution, passed in the house of Assembly, introduced by you.

Very respectfully yours,

JOHN F. SMYTH,

Superintendent.

Fire, Marine and Casualty Companies.

List of New York Insurance Companies examined under the direction of the Superintendent of the Insurance Department between January 1, 1875 and January 1, 1880.

- Union Mutual—No change made in company's statement; extension charter. Examined by O. W. Chapman, superintendent.
- Home—No change made in company's statement; increase capital. Examined by O. W. Chapman, superintendent.
- Williamsburgh City—No change made in company's statement; safety fund law. Examined by O. W. Chapman, superintendent.
- Hanover—No change made in company's statement; increase capital. Examined by O. W. Chapman, superintendent.
- Westchester—Assets before examination from annual statement, \$829,540.61; surplus before examination from annual statement, \$171,770.34; assets after examination, \$763,148.88; surplus after examination, \$38,792.06; date of examination, January 23, 1879. Special examination; increase of capital, twice 1875 and 1876. Increase capital, examined by O. W. Chapman, superintendent. Special examination by John F. Smyth, superintendent.
- Standard—No change made in company's statement; safety fund law. Examined by O. W. Chapman, superintendent.
- Guaranty—Discontinued business after examination. Examined by John F. Smyth, superintendent.
- Suffolk County—No change made in company's statement; extension charter. Examined by O. W. Chapman, superintendent.
- Fireman's Fund—Discontinued business after examination. Examined by John F. Smyth, superintendent.
- Commercial—No change made in company's statement; certificate for State of Ohio. Assets before examination from annual statement, \$510,639.85; surplus before examination from annual statement, \$170,523.25; assets after examination, \$477,207.43; surplus after examination, \$93,663.17; date of examination, April 11, 1879; special examination. Examined for Ohio by O. W. Chapman, superintendent. Special examination by John F. Smyth, superintendent.
- St. Nicholas—No change made in company's statement; increase capital. Examined by O. W. Chapman, superintendent.
- Orange County—No change made in company's statement; extension charter. Examination ordered by O. W. Chapman, superintendent.
- Northern—No change made in company's statement; reorganization. Assets before examination from annual statement, \$410,466.67; surplus before examination from annual statement, \$51,127.00; assets after examination, \$335,581.32; impairment, \$23,771.99; date of examination, December 9, 1879; special. Reorganization examination by O. W. Chapman, superintendent. Special examination by John F. Smyth, superintendent.
- Dutchess County—No change made in company's statement; extension charter. Examined by O. W. Chapman, superintendent.
- National—No change made in company's statement; certificate for Kentucky. Examined by O. W. Chapman, superintendent.
- Richmond County—No change made in company's statement; extension charter. Examined by O. W. Chapman, superintendent.

Knickerbocker Plate Glass—Assets before examination from annual statement, \$137,121.50; surplus before examination from annual statement, \$9,044.48; assets after examination, \$141,091.04; surplus after examination, \$3,076.91; date of examination, November 30, 1879; organization; special examination. Examination on organization by William Smyth, acting superintendent. Special examination by John F. Smyth, superintendent.

Franklin—No change made in company's statement; on organizations, and twice on impairment. Examined on organization by William Smyth, acting superintendent. Examined on impairment by John F. Smyth, superintendent.

Glens Falls—No change made in company's statement; safety fund, law and admission to Kentucky. Examined on safety fund by William Smyth, acting superintendent.

Rochester German—No change in company's statement; admission to Kentucky. Examined by William Smyth, acting superintendent.

Farmers Joint Stock—Discontinued business after examination. Examined by William Smyth, acting superintendent.

Columbia—No change made in company's statement; admission to Wisconsin. Assets before examination from annual statement, \$353,544.19; surplus before examination from annual statement, \$11,126.34; assets after examination, \$342,247.38; impairment, \$13,060.23; date of examination, March 31, 1879; special examination. Examined for Wisconsin by William Smyth, acting superintendent. Special examination by John F. Smyth, superintendent.

New York and Yonkers—Change of name to New York city. Examined by William Smyth, acting superintendent.

Clinton—No change made in company's statement; admission to other states. Examined by William Smyth, acting superintendent.

Amity—Discontinued business after examination. Examined by John F. Smyth, superintendent.

Commerce—Discontinued business after examination. Examined by John F. Smyth, superintendent.

Resolute—Merged with New York city. Examined by John F. Smyth, superintendent.

Brewers and Maltsters—Discontinued business after examination. Examined by John F. Smyth, superintendent.

Arctic—Discontinued business after examination. Examined by John F. Smyth, superintendent.

New York and Boston—No change made in company's statement; organization and impairment capital. Examined by William Smyth, acting superintendent.

Buffalo German—No change made in company's statement; safety fund. Examined by John F. Smyth, superintendent.

Glen Cove—No change made in company's statement; verification annual statement. Examined by John F. Smyth, superintendent.

Erie County—No change made in the company's statement; verification statement. Examined by John F. Smyth, superintendent.

New York City—No change made in company's statement; organization merging with Resolute. Examined by John F. Smyth, superintendent.

Star—No change made in company's statement; merging with Gebhard. Examined by John F. Smyth, superintendent.

Gebhard—No change made in company's statement; impairment of capital, merging with Star. Examined by John F. Smyth, superintendent.

Emporium—No change made in company's statement; impairment of capital, merging with Franklin. Examined by John F. Smyth, superintendent.

American—No change made in company's statement; safety fund law. Examined by John F. Smyth, superintendent.

New York Central—Discontinued business after examination. Examined by John F. Smyth, superintendent.

Scottish Commercial—Not completed. Examined by John F. Smyth, superintendent.

Franklin and Emporium—No change made in company's statement; on organization. Examined by John F. Smyth, superintendent.

Atlantic—Discontinued business after examination. Examined by John F. Smyth, superintendent.

Tradesmen's—No change made in company's statement; increase capital. Examined by John F. Smyth, superintendent.

Broadway—No change made in company's statement; extension charter. Examined by John F. Smyth, superintendent.

Mercantile Mutual—Discontinued business after examination. Examined by John F. Smyth, superintendent.

Globe—Assets before examination from annual statement, \$376,348.-45; surplus before examination from annual statement, \$127,116.-16; assets after examination, \$379,885.52; surplus after examination, \$121,866.30; date of examination, June 30, 1879. Special examination. Examined by John F. Smyth, superintendent.

Manufacturers and Builders—Assets before examination from annual statement, \$444,766.25; surplus before examination from annual statement, \$202,281.74; assets after examination, \$467,291.55; surplus after examination, \$193,463.13; date of examination, August 11, 1879. Special examination. Examined by John F. Smyth, superintendent.

Sterling—Assets before examination from annual statement, \$274,913.-99; surplus before examination from annual statement, \$49,231.24; assets after examination, \$265,676.55; surplus after examination, \$34,310.35; date of examination, June 30, 1879. Special examination. Examined by John F. Smyth, superintendent.

Knickerbocker—Assets before examination from annual statement, \$354,854.33; surplus before examination from annual statement, \$27,884.39; assets after examination, \$331,815.94; surplus after examination, \$218.66; date of examination, July 28, 1879. Special examination. Examined by John F. Smyth, superintendent.

Holland Purchase—Discontinued business after examination. Examined by John F. Smyth, superintendent.

Adriatic—Discontinued business after examination. Examination by John F. Smyth, superintendent.

Hope—Assets before examination from annual statement, \$189,470.-48; surplus before examination from annual statement, \$15,908.52;

assets after examination, \$168,080.53 ; surplus after examination, \$951.89 ; date of examination, September 1, 1879. Special examination. Examined by John F. Smyth, superintendent.

Guardian—Assets before examination from annual statement, \$275,895.47 ; surplus before examination from annual statement, \$35,343.87 ; assets after examination, \$257,666.09 ; surplus after examination, 6,754.72 ; date of examination, November 25, 1879. Special examination. Examined by John F. Smyth, superintendent.

Merchants—No change made in company's statement ; extension charter. Examined by John F. Smyth, superintendent.

Republic—Assets before examination from annual statement, \$423,540.57 ; surplus before examination from annual statement, \$34,371.25 ; assets after examination, \$394,060.70 ; impairment, \$5,935.79 ; date of examination, October 28, 1879. Special examination. Examined by John F. Smyth, superintendent.

Irving—Assets before examination from annual statement, \$274,231.36 ; surplus before examination from annual statement, \$32,117.92 ; assets after examination, \$246,705.56 ; surplus after examination, \$5,119.50 ; date of examination, November 24, 1879. Special examination. Examined by John F. Smyth, superintendent.

American Exchange—Assets before examination from annual statement, \$292,576.12 ; surplus before examination from annual statement, \$69,199.39 ; assets after examination, \$282,848.79 ; surplus after examination, \$56,813.79 ; date of examination, December 8, 1879. Special examination. Examined by John F. Smyth, superintendent.

Metropolitan Plate Glass—Assets before examination from annual statement, \$135,716.49 ; surplus before examination from annual statement, \$9,673.11 ; assets after examination, \$134,721.89 ; surplus after examination, \$7,339.30 ; date of examination, December 15, 1879. Special examination. Examined by John F. Smyth, superintendent.

List of *Life Insurance Companies of New York* examined under direction of the Superintendent of the Insurance Department between January 1, 1875 and January 1, 1880.

United States Life Insurance Company.

Investigated as of October 31, 1876, books, papers and vouchers of all kind examined ; titles to real estate and mortgaged property not examined. Property not appraised.

Examination ordered, commenced and finished by William Smyth, acting superintendent.

| | |
|--------------------------------|----------------|
| Assets..... | \$4,759,403 02 |
| Liabilities | 3,990,095 22 |
| Rejected items..... | 27,534 27 |
| Surplus to policy-holders..... | 769,307 80 |

Security Life, Insurance and Annuity Company.

Examined as of December 14, 1876. About fifty days spent by examiners on investigation. Company found to be insolvent. The statements of the company were found to be untrue and the officials were indicted for perjury. They were convicted on trial and the president sentenced for five years to state prison, and the vice-president to one year in the penitentiary. The latter served his term. The president was granted a new trial. Hon. William H. Wickham, appointed receiver.

Examination ordered, commenced and finished by William Smyth, acting superintendent.

| | |
|-------------------|----------------|
| Assets | \$1,975,959 35 |
| Liabilities | 4,054,783 35 |
| Deficiency | 2,078,824 00 |

Washington Life Insurance Company.

Investigated as of December 31, 1876. Examination as to all the books and accounts of the company very complete. Property not appraised. Titles not examined.

Examination ordered, commenced and finished by William Smyth, acting superintendent.

| | |
|----------------------|----------------|
| Assets | \$5,173,278 83 |
| Liabilities | 4,386,685 83 |
| Surplus | 786,593 00 |
| Rejected items | 92,216 53 |

Mutual Life Insurance Company.

Examined as of December 31, 1876, securities counted, and liabilities ascertained so far as policy holders were concerned. Titles not investigated. Property not appraised.

Examination ordered, commenced and finished by William Smyth, acting superintendent.

| | |
|-------------------|-----------------|
| Assets | \$82,076,706 87 |
| Liabilities | 71,813,827 43 |
| Surplus | 10,262,879 44 |

Equitable Life Assurance Society.

An investigation of this company's affairs was ordered and commenced under the authority of William Smyth, acting superintendent, January 22, 1877, by his authority and consent attorneys and appraisers were selected to examine into the titles and valuations of real estate and mortgaged property. Before the completion of the examination John F. Lmyth was appointed superintendent. The investigation of the company was thorough in all respects. The books, papers, accounts and vouchers of all kinds were tested and the most minute

inspection of everything was made. A committee of the policy holders of the company selected professional accountants to examine the books, etc., acting entirely separate from the department examiners so that in reality a double examination was made.

| | |
|----------------------|-----------------|
| Assets | \$30,872,374 20 |
| Liabilities | 26,231,141 00 |
| Surplus | 4,641,233 20 |
| Rejected items | 696,705 21 |

American Popular Life Insurance Company.

Examined as of December 31, 1876. Company found to be insolvent, books altered, fictitious accounts kept, false statements rendered. Officers indicted and tried for perjury, president convicted and sentenced for five years to state prison. Granted a new trial by Court of Appeals. Titles to mortgages and real estate examined, and property appraised.

E. Z. Lawrence, Esq., No. 58 Broadway, New York city, appointed receiver.

| | |
|----------------------|--------------|
| Assets | \$285,625 37 |
| Liabilities | 544,695 44 |
| Deficiency | 259,070 07 |
| Rejected items | 303,077 21 |

Examination ordered, commenced and finished by John F. Smyth, superintendent.

North America Life Insurance Company.

Examination made in March 1877, company's condition on December 31, 1876, exhibited insolvency which was admitted by the officials of the company.

Henry R. Pierson, No. 252 Broadway, New York city, appointed receiver.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|--------------------|----------------|
| Assets | \$2,759,727 69 |
| Liabilities | 3,295,856 49 |
| Deficiency | 536,128 80 |

Guardian Mutual Life Insurance Company.

Examination made in March 1877, company's condition on December 31, 1876, exhibited insolvency which was admitted by the officials of the company.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

Henry R. Pierson, No. 252 Broadway, New York city, appointed receiver.

| | |
|-------------------|--------------|
| Assets | \$754,873 86 |
| Liabilities | 1,414,523 72 |
| Deficiency | 659,649 86 |

World Mutual Life Insurance Company.

Examination made as of March 1, 1877. Company found to be insolvent and application made to the court for a receiver. The court granted the request, and appointed S. W. Rosendale, of Albany, as such receiver.

| | |
|------------------|--------------|
| Assets | \$117,513 01 |
| Liabilities..... | 162,434 80 |
| Deficiency..... | 44,921 79 |

Atlantic Mutual Life Insurance Company.

This company was examined as of December 31, 1876. The titles were investigated and valuations made of mortgaged property and real estate. It was found that an item of cash, said to be deposited in the Hope Banking Company, amounting to \$162,548.71, had been used by the president of the company in investments in western securities that were not interest bearing, and had but a nominal value in the market. An opportunity was given by the superintendent to the stockholders to repair the deficiency, but they failed to do so. Subsequently the matter was brought into the court and another opportunity given to the company to make good an impairment of capital, but although the officers pledged themselves to furnish the sum required, yet they failed to do so. The case was carried to the General Term, and to the Court of Appeals, and in each instance the position taken by the superintendent was approved, and the appointment of a receiver by Judge Westbrook sustained. The officers of the company were indicted for perjury, but the case was never tried.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|---------------------|----------------|
| Assets | \$1,043,468 00 |
| Liabilities..... | 1,153,858 00 |
| Deficiency..... | 110,385 00 |
| Rejected items..... | 208,548 71 |

Edward Newcomb, Esq., Albany, N. Y., appointed receiver.

Universal Life Insurance Company.

Examiners were detailed to investigate this company, March 10, 1877. After a long and exhaustive investigation the company was reported insolvent. The titles to the property were examined, and appraisers were appointed to value the property. All papers and vouchers were examined. The company disputed the report showing them insolvent, but, after several hearings before the referee appointed by the court, and the department had submitted its testimony in support of the report against the company, the attorneys for the company withdrew their opposition and appealed for an opportunity to solicit the policy holders to consent to a reduction of their claims. The court granted the request, and subsequently allowed the company to continue in business.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|---------------------|----------------|
| Assets | \$2,449,689 75 |
| Liabilities | 3,445,102 80 |
| Deficiency | |
| Rejected items..... | 769,460 22 |

New York Life Insurance Company.

This company was reported on, in October 1867. The examination was complete in all details. Titles were examined, and valuations made by forty-one persons selected for their competency in such matters. About 2,700 separate pieces of real estate and mortgaged property were investigated. The examination covered all accounts and vouchers of the company, and although necessarily prolonged, and a matter of considerable expense, it proved the satisfactory condition of the affairs of the company beyond dispute.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|---------------------|-----------------|
| Assets | \$32,945,621 30 |
| Liabilities..... | 26,982,742 51 |
| Surplus..... | 5,962,878 79 |
| Rejected items..... | 254,248 15 |

Manhattan Life Insurance Company.

The investigation of this company was made as of September 30, 1877. All accounts were checked, books verified, and policy statements compared. Titles and valuations of property examined. Over thirty thousand certificates representing the premium notes and loans of the company were examined seriatim. The examination was satisfactory in every respect.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|---------------------|----------------|
| Assets | \$9,756,341 14 |
| Liabilities..... | 8,084,972 53 |
| Surplus..... | 1,671,368 61 |
| Rejected items..... | 161,896 09 |

Metropolitan Life Insurance Company.

The examination of this company was made as of December 31, 1877, statement, titles examined and valuations made of real estate and mortgaged property. The company was found to be in excellent condition. No deduction made from valuations of property in any case.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|----------------------|----------------|
| Assets..... | \$2,087,582 47 |
| Liabilities | 1,695,822 26 |
| Surplus | 291,760 21 |
| Rejected items | 53,421 70 |

Homœopathic Mutual Life Insurance Company.

This company was examined as of December 31, 1877. Titles to property inquired into and appraisals made of each piece. All books and papers compared with the various accounts of the company. The result of the examination exhibited an impairment of capital amounting to \$148,447.32. Subsequently, under an act of the Legislature the capital stock was reduced from \$200,000 to \$100,000.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|--|--------------|
| Assets | \$667,336 86 |
| Liabilities | 615,784 18 |
| Rejected items..... | 20,312 25 |
| Deficiency as regards policy holders | 148,447 32 |

Globe Mutual Life Insurance Company.

The report on this company was made May 31, 1878. From the report of the deputy superintendent, the deficiency as regards policy holders was found to be \$378,739.19. The deficiency as found was on the basis of real estate and mortgaged property valuations covering \$2,200,000 by parties selected by the department, and the rejection of certain described assets amounting to \$695,854.83. It was recommended by the deputy superintendent that if a change in the management of the corporation could be brought about that the company should be allowed to continue in business rather than have a receiver close up its affairs. The real estate was then revalued by gentlemen residing in New York, who were selected for their knowledge of real estate values, and certain other rejected items, notably a mortgage of \$120,000, were changed so as to bring them under the head of admissible items, when a guarantee was subsequently filed in the department covering the change of management desired, and a new statement was made on the basis of the revaluation of property and acceptance of the changed securities, the company was reported with a surplus of \$163,117.39. The new officers chosen, instead of endeavoring to procure new business and making an effort to sustain the existence of the corporation, cut off all its agencies and in a few months time submitted a statement to the attorney-general, showing the company apparently insolvent, and asking for the appointment, as receiver, of the lately elected president. The superintendent opposed the appointment of the person asked for, but joined in the petition requesting the affairs of the company to be closed up under the provisions of chapter 902 of Laws of 1869, providing for the closing up of the affairs of certain Life Insurance Companies when the issuance of policies would be deemed prejudicial to the public interests. The examination was exhaustive in all details. Titles to property were inquired into, and each piece of property was separately appraised.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|----------------------|----------------|
| Assets..... | \$3,609,265 58 |
| Liabilities..... | 3,988,004 77 |
| Deficiency | 378,739 19 |
| Rejected items | 695,854 83 |

Germania Life Insurance Company.

The examination of this company was made as of December 31, 1877. Titles investigated and property appraised. The examination was thorough in every respect, extending over a period of the company's business of eighteen years. All books, vouchers and accounts, and policy lists investigated in detail.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|---------------------|----------------|
| Assets..... | \$8,050,265 52 |
| Liabilities..... | 6,995,276 36 |
| Surplus..... | 1,054,989 16 |
| Rejected items..... | 4,178 53 |

Knickerbocker Life Insurance Company.

This company was examined as of December 31, 1877. Titles investigated, and property appraised. The company is not now transacting new business.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|---------------------|----------------|
| Assets..... | \$6,375,117 45 |
| Liabilities..... | 6,083,530 50 |
| Surplus..... | 291,586 95 |
| Rejected items..... | 543,990 64 |

Brooklyn Life Insurance Company.

This company was examined as December 31, 1877. Property appraised and titles investigated. The policy registers, agency contracts and correspondence of the company all examined, dating from the organization of the company in 1864.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|---------------------|----------------|
| Assets..... | \$2,173,771 17 |
| Liabilities..... | 1,913,092 79 |
| Surplus..... | 260,678 41 |
| Rejected items..... | 15,470 28 |

Western New York Life Insurance Company.

The examination of this company was as of July 20, 1879. The capital stock was found to be impaired \$50,000, and the company resolved to cease the further transaction of business.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|----------------------------------|--------------|
| Assets..... | \$196,152 54 |
| Liabilities..... | 145,458 56 |
| Capital stock..... | 100,000 00 |
| Impairment of capital stock..... | 49,306 02 |

Home Life Insurance Company.

Examination as of December 31, 1877. Titles inquired into and property valued. Examination made very particular in all respects. Complete list of each item of assets and liabilities filed with the report so that the statement of the company was checked in every detail.

Examination ordered, commenced and finished by John F. Smyth, superintendent.

| | |
|----------------------|----------------|
| Assets..... | \$4,771,643 24 |
| Liabilities..... | 3,664,729 38 |
| Surplus | 1,106,913 86 |
| Items rejected | 25,522 34 |

In addition to the foregoing, examinations have been made of the *Provident Savings Life Assurance Society*, on organization; *Excelsior*, *Empire State Reserve Mutual*, *Government Security*, and the *Standard Life Insurance Companies* on the withdrawal of the funds of the respective companies from the department.

The following letters and reports numbered from 1 to 113, inclusive, are all the reports made by Fire and Life Insurance Companies now doing business. The same are arranged in the order stated in "A" annexed to the committee's report.

ASSEMBLY CHAMBER, }
ALBANY, April 5, 1880. }

To the Secretary of Agricultural Insurance Company, Watertown, N. Y.

On the 31st ultimo the following resolutions were adopted by the Assembly, viz.:

Resolved, That the Committee on Insurance of the Assembly be and is hereby directed to ascertain and report to this body within twenty days the total sum paid respectively by each Insurance Company of this State, during the last five years, for or on account of any examination of such Insurance Company by the direction of the Superintendent of the Insurance Department, said report to state in items the kind of service for which payment was made, the amount paid to each person who claimed compensation, and the amount claimed by each of said persons, also

Resolved, That the said Committee on Insurance shall have power to send for persons and papers, if it shall deem such action necessary, and that it shall require all reports made to it by each of the Insurance Companies to be attested by the oaths of the officers making the returns.

Will you be kind enough at your earliest possible convenience to furnish me the information required by the resolution.

Very respectfully yours,

CHARLES S. BAKER,

Chairman Insurance Committee.

WATERTOWN, N. Y., April 13, 1880.

Nothing.

J. MUNSON, *Secretary.*

Assembly Insurance Committee.

ALBANY INSURANCE COMPANY, }
ALBANY, April 13, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee of the Assembly*:

SIR—In reply to the resolutions of the Assembly, adopted March 31, a copy of which under date of 5th inst., you have sent to this company, I have the honor to state that *no* sum of money whatever has been paid by this company during the last five years for or on account of any examination of it by the direction of the Superintendent of the Insurance Department.

Very respectfully yours,

THEODORE TOWNSEND,
Secretary.

STATE OF NEW YORK, }
City and county of Albany } ss.:

Theodore Townsend, secretary of the Albany Insurance Company being duly sworn deposeth and saith that he is the above described officer of the said company, and that the foregoing statement is true.

THEODORE TOWNSEND.

Subscribed and sworn to before me, }
this 13th day of April, 1880. }

JOHN W. MOHARG,
Notary Public.

AMERICAN FIRE INSURANCE COMPANY, }
NEW YORK, April 13, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee*:

SIR—Your circular dated April 5, 1880, came to hand this A. M., and in reply I would state that the amount paid during the period named was \$150.80 (as per memorandum annexed) by check to order of John F. Smyth. This examination was made previous to the acceptance of "an act to provide security against extraordinary conflagrations and for the creation of safety funds by Fire Insurance Companies," passed April 16, 1874,

Respectfully,

DAVID ADEE,
Assistant Secretary.

COPY.

| | |
|--|----------|
| Expenses incurred by J. A. McCall, Jr., from December 16 to 21, 1878 | \$56 20 |
| Expenses incurred by S. M. Ballard, from December 14 to 21, 1878 | 47 30 |
| Expenses incurred by James E. Cross, from December 14 to 21, 1878 | 47 30 |
| | <hr/> |
| | \$150 80 |
| | <hr/> |

AMERICAN EXCHANGE FIRE INSURANCE COMPANY, }
NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman of Insurance Committee, Albany, N. Y.*

SIR—Your circular of April 5th is received, and in reply we inclose you copies of the bills rendered us by the State Superintendent for examination in November 1879.

Yours very respectfully,
WILLIAM RAYNOR,
Secretary.

STATE OF NEW YORK, }
City and county of New York. } ss.:

We do hereby affirm and swear that the accompanying exhibits marked Nos. 1, 2, 3, 4 and 5 are true copies of the bills paid by the American Exchange Fire Insurance Company for examination by the State superintendent.

HENRY BUTLER,
President.
WILLIAM RAYNOR,
Secretary.

Witness,
THOMAS CLARK, JR.

Sworn to before me this 13th }
day of April A. D. 1880. }

JOHN H. TAYLOR,
Notary Public, Kings county. Certificate filed in New York county
Copy No. 1.

ALBANY, November 29, 1879.

INSURANCE DEPARTMENT. To W. H. SMYTH, *Dr.*

To expenses on examination of the American Exchange Insurance Company (Fire) of New York, November 19 and 20, viz.:

| | |
|---|----------------|
| Railroad fare and drawing room car to New York..... | \$4 10 |
| Two days expenses at \$5 per day | 10 00 |
| Total..... | <u>\$14 10</u> |

Received payment,
WILLIAM H. SMYTH.

Copy No. 2.

STATE OF NEW YORK, }
ALBANY, November 24, 1879. }

INSURANCE DEPARTMENT. To JOHN A. MCCALL, JR., *Dr.*

For expenses incurred in New York city November 21 and 22, in the matter of the investigation of the American Exchange Fire Insurance Company, of New York city.

| | |
|---|----------------|
| To cover all actual and necessary expenses for hotel bills, lunches, telegrams, omnibus and car fare, etc..... | \$16 00 |
| Railroad and drawing room car fare to Albany..... | 4 10 |
| Total..... | <u>\$20 10</u> |

Received payment,
JOHN A. McOALL, JR.

Copy No. 3.

ALBANY, *December* 8, 1879.

INSURANCE DEPARTMENT. To J. E. CROSS, *Dr.*

To personal expenses on examination of the American Exchange Fire Insurance Company, from November 17 to November 20, 1879, inclusive, viz.:

| | |
|--|----------------|
| November 17 to railroad and drawing room car to New York..... | \$4 10 |
| November 20 to four days expenses at \$5..... | 20 00 |
| Total..... | <u>\$24 10</u> |

Copy No. 4.

ALBANY, *December* 16, 1879.

INSURANCE DEPARTMENT. To S. M. BALLARD, *Dr.*

To personal expenses on the examination of the American Exchange Fire Insurance Company, from November 17 to 22, inclusive, viz.:

| | |
|--|----------------|
| November 17, to railroad to New York with drawing room car..... | \$4 10 |
| November 17 to 22, to cover hotel bills, lunches, car fare, etc., | 30 00 |
| Total..... | <u>\$34 10</u> |

Received payment,
S. M. BALLARD.

Copy No. 5.

ALBANY, *December* 26, 1879.

WILLIAM RAYNOR, ESQ., *Secretary American Exchange Fire Insurance Company, 61 Liberty street, New York.*

SIR—I have received your letter dated 24th inst., inclosing check for \$92.40 in payment of expenses incurred by examiners from this department on the recent examination of your company as follows:

| | |
|---|----------------|
| Expense of Mr. J. A. McCall, Jr., on examination of company, November 21 to 22 | \$20 10 |
| Expenses of Mr. W. H. Smyth, on examination of company, November 19 to 20 | 14 10 |
| Expense of Mr. J. E. Cross, on examination of company, November 17 to 20 | 24 10 |
| Expense of Mr. S. M. Ballard, on examination of company, November 17 to 22 | 34 10 |
| Total | <u>\$92 40</u> |

Said examiners have been paid the amount of their respective bills
by warrant of comptroller on State Treasurer.
Yours, etc.,

JOHN F. SMYTH,
Superintendent.

BROADWAY INSURANCE COMPANY, }
NEW YORK, April 16, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee* :

SIR—In reply to your note of inquiry of the 5th inst., the under-
signed hereby certify that an examination of the assets, books and
accounts generally of this company was had in April 1879. In view of
an application for an extension to its charter and payment for the
same was made as follows:

| | |
|-------------------------|----------------|
| To John A. McCall | \$28 10 |
| To S. M. Ballard | 19 10 |
| To W. H. Smyth | 19 10 |
| To James E. Cross | 19 10 |
| Total | <u>\$85 40</u> |

Total amount paid which was the amount claimed and we think
the charges reasonable.

H. M. FORRESTER,
President.
JOHN WRAY,
Secretary.

NEW YORK, April 1880.

Before me came H. M. Forrester, president and John Wray, secretary
of the Broadway Insurance Company known to me to be the parties
who signed the above certificate, and being by me sworn depose and
say that the statements therein contained are true to the best of their
knowledge and belief.

SAMUEL SCHUMACHER,
Notary Public, New York county

BROOKLYN FIRE INSURANCE COMPANY, }
 NEW YORK, *April 13, 1880.* }

CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR--Your circular of the 5th inst. is received and in reply thereto, I would state that this company has paid nothing for examination.

Yours respectfully,

G. K. BRAND,
Secretary.

BUFFALO INSURANCE COMPANY, }
 BUFFALO, *April 21, 1880.* }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—I inclose herewith a report as requested by your circular letter 5th inst., and trust that same will be found correct.

BUFFALO, *April 21, 1880.*

Yours respectfully,

EDWARD B. SMITH,
Secretary.

Edward B. Smith; being duly sworn deposes and says, that he is secretary of the Buffalo Insurance Company, that said company was organized July 16, 1874, under the laws of the State of New York, since which time the company has not been examined by any officer connected with the New York Insurance Department, and has paid nothing for fees, or charges to same, with the exception of the sum of twenty dollars (\$20,00) annually for filing statement of the company's condition on the first day of January in each year.

EDWARD B. SMITH,
Secretary Buffalo Insurance Company.

Subscribed and sworn to before me, }
 this 21st day of April, 1880. }

F. J. BUTLER,
Notary Public.

ASSEMBLY CHAMBER, }
 ALBANY, *April 5, 1880.* }

To the Secretary of Buffalo Insurance Company, Buffalo, N. Y.:

On the 31st ultimo the following resolutions were adopted by the Assembly, viz.:

Resolved, That the Committee on Insurance of the Assembly be and is hereby directed to ascertain and report to this body within twenty days the total sum paid respectively by each Insurance Company of this State, during the last five years, for or on account of any examination of such Insurance Company by the direction of the Superintendent of the Insurance Department, said report to state in items the kind of service for which payment was made, the amount paid to each person who claimed compensation, and the amount claimed by each of said persons, also

Resolved, That the said Committee on Insurance shall have power

to send for persons and papers, if it shall deem such action necessary, and that it shall require all reports made to it by each of the Insurance Companies to be attested by the oaths of the officers making the returns.

Will you be kind enough at your earliest possible convenience to furnish me the information required by the resolution?

Very respectfully yours,

CHARLES S. BAKER,
Chairman Insurance Committee.

SIR—In December 1877, at our request, we were examined for the purpose of availing ourselves of the "surplus law" for which \$70.60 was paid. The commission consisted of Messrs. Robinson and Vanderpoel.

BUFFALO, April 13, 1880.

Yours respectfully,

O. J. EGGERT,
Secretary.

STATE OF NEW YORK, }
Erie county, city of Buffalo, } ss.:

Oliver J. Eggert, being duly sworn, says that he is secretary of the Buffalo German Insurance Company and has been during the last six years, and that the foregoing statement of moneys paid to the Superintendent of the Insurance Department of the State of New York is correct, and that the sum of seventy dollars and sixty cents (\$70.60) is the total amount paid to said superintendent during the last five years past and that that examination was made at the request of the company in December 1877.

O. J. EGGERT.

Subscribed and sworn to before me, }
this 13th day of April 1880. }

GEORGE H. HOSKINS,
Notary Public.

OFFICE CITIZENS' INSURANCE COMPANY, }
NEW YORK, April 13, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—Your communication of 5th inst. is at hand and contents noted. This company has made no payments during the last five years for or on account of any examination by the Insurance Department of this State.

Very respectfully yours,

E. WALTON,
Secretary.

CITY INSURANCE COMPANY, }
 NEW YORK, April 14, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee*:

SIR—In reply to yours of the 5th inst. I would respectfully state that within the last five years we have not paid any sum or sums on account of, or for any examination of this company by the direction of the Superintendent of the Insurance Department.

Very truly yours,

D. J. BLAUVELT,
Secretary.

CLINTON FIRE INSURANCE COMPANY, }
 NEW YORK, April 13, 1880. }

CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.*:

In reply to yours of the 5th inst. we herewith report the amount paid by this company for an examination within the time specified.

| | | |
|---|---------|-----------------------|
| April 23, 1877, to William H. Smyth, three days' services at \$5 per day..... | \$15 00 | |
| Railroad fare from and to Albany | 8 20 | |
| | | <u>\$23 20</u> |
| April 23, 1877, to I. Vanderpoel, three days' services at \$5 per day | \$15 00 | |
| Railroad fare from and to Albany..... | 8 20 | |
| | | <u>23 20</u> |
| | | <u><u>\$46 40</u></u> |

Respectfully,

J. B. AMES,
President.

CITY AND COUNTY OF NEW YORK, }
 NEW YORK, April 13, 1880. }

Sworn to before me this day,

J. ALLINSON,
Notary Public, New York county.

COLUMBIA FIRE INSURANCE CO., }
 NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, Y.*:

DEAR SIR — Herewith find enclosed the bills, &c., demanded by the resolution of 31st ult., which are all that have been rendered or paid by this company within the time specified.

Very respectfully yours,

JNO. B. ARTHUR,
Secretary.

CITY AND COUNTY OF NEW YORK, ss.:

John B. Arthur, Secretary of the Columbia Fire Insurance Company of New York, known to me to be such, being duly sworn, deposes and says that the papers hereunto annexed are true copies of the bills as rendered by the parties subscribing thereto.

JOHN B. ARTHUR,
Secretary.

Sworn to before me this 13th }
day of April, A. D., 1880. }

JOHN H. TAYLOR,
Notary Public, Kings county.

Certificate filed in New York county.

Copy (four inclosures).

STATE OF NEW YORK, INSURANCE DEPARTMENT, }
ALBANY, 6th May, 1879. }

JOHN V. ARTHUR, Esq., *Secretary Columbia Fire Insurance Company,*
No. 59 Liberty St., New York city.

DEAR SIR—I inclose you herewith copies of bills of expenses incurred by examiners from this department on recent examination of your company, as follows :

| | |
|---|----------|
| Mr. John A. McCall, Jr., April 24th to 26th | \$31 60 |
| Mr. S. M. Ballard, April 17th to 26th..... | 47 30 |
| Mr. W. H. Smyth, April 22d to 24th | 19 10 |
| Mr. James E. Cross, April 17th to 24th | 38 20 |
| | <hr/> |
| | \$136 20 |

Which amount please remit by check, payable to order of Superintendent, said examiners having been paid the amount of their respective bills by warrant of the Comptroller upon the State Treasurer.

Very respectfully yours,
(Signed) JOHN F. SMYTH,
Superintendent.

Copy.

ALBANY, May 5th, 1879.

INSURANCE DEPARTMENT, STATE OF NEW YORK, To JAMES E. CROSS, *Dr.*

To personal expenses incurred on the examination of the Columbia Fire Insurance Company, N. Y., from April 17th to April 24th, '79, inclusive, viz. :

| | |
|--|---------|
| 1879, April 17th to 19th. To three days expenses in New York at \$5..... | \$15 00 |
| April 19. To railroad drawing room fare to Albany..... | 4 10 |
| April 22. To railroad drawing room fare to New York..... | 4 10 |
| | <hr/> |
| Carried over..... | \$23 20 |

| | |
|--|-------------|
| Brought forward..... | \$23 20 |
| April 24. To three days expenses in New York at \$5..... | 15 00 |
| | <hr/> |
| Correct. | \$38 20 |
| | <hr/> <hr/> |

JOHN A. McCALL, JR.,
Deputy Superintendent.

Received payment,
JAMES E. CROSS.

Paid May 5, 1879. Warrant No. 5666.

Copy.

ALBANY, April 28th, 1879.

INSURANCE DEPARTMENT, STATE OF NEW YORK, TO WM. H. SMYTH, Dr.

To personal expenses incurred on examination of the Columbia Fire Insurance Company of New York, from April 22, 1879, to April 24th, 1879, inclusive, viz.:

| | |
|--|-------------|
| April 22. Railroad fare \$3.10; drawing room car fare \$1 to New York..... | \$4 10 |
| Three days expenses at \$5 per day..... | 15 00 |
| | <hr/> |
| Total..... | \$19 10 |
| | <hr/> <hr/> |

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.

Received payment,
WM. H. SMYTH.

Paid April 28th, 1879. Warrant No. 5331.

Copy.

ALBANY, April 28th, 1879.

INSURANCE DEPARTMENT TO S. M. BALLARD, Dr.

To personal expenses on examination of the Columbia Insurance Company from April 17th to 26th, viz.:

| | |
|--|-------------|
| April 19. To railroad and drawing room car fare to Albany. | \$4 10 |
| April 22. To railroad and drawing room car fare to New York..... | 4 10 |
| April 26. To railroad and drawing room car fare to Albany. | 4 10 |
| To 7 days expenses, hotel bill, lunches, car and stage fare, &c. | 35 00 |
| | <hr/> |
| Total..... | \$47 30 |
| | <hr/> <hr/> |

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.

Received payment,
S. M. BALLARD.

Paid April 28th, 1879. Warrant No. 5330.

Copy.

INSURANCE DEPARTMENT, STATE OF NEW YORK, TO JOHN A. McCALL, JR., Dr.

For expenses incurred in New York City, April 24th, 25th and 26th

in the investigation of the Columbia Fire Insurance Company of New York :

| | |
|--|---------|
| Railroad and drawing room car fare from New York | \$4 10 |
| Steamboat fare to New York | 3 50 |
| To cover all actual and necessary expenses for hotel bill, lunches, telegrams, omnibus and car fare, etc..... | 24 00 |
| | <hr/> |
| | \$31 60 |
| | <hr/> |

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.
Paid April 28, 1879. Warrant No. 5332.

Received payment,
JOHN A. McCALL, JR.

COMMERCE INSURANCE COMPANY, }
ALBANY, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly,
State of New York :*

SIR—This company has not paid for any examinations made by the Insurance Department of our State during the past five years. We make this statement in obedience to your inquiry of April 5.
Yours respectfully,
G. A. VAN ALLEN,
Vice-President.

COMMERCIAL FIRE INSURANCE COMPANY, }
NEW YORK, April 20, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee:*

SIR—The following are the amounts paid by this company for examinations by direction of the Superintendent of the Insurance Department.

| Expenses incurred. | Name. | Am't claimed. | Am't paid. |
|--------------------|-----------------------|---------------|------------|
| Expenses incurred | J. A. McCall, Jr..... | \$32 20 | \$32 20 |
| Expenses incurred | S. M. Ballard..... | 156 00 | 156 00 |
| Expenses incurred | W. H. Smith | 84 60 | 84 60 |
| Expenses incurred | James E. Cross | 127 80 | 127 80 |

Yours respectfully,
D. M. QUACKINBUSH,
Secretary.

M. V. B. Fowler, president and David Quackinbush, secretary of the Commercial Fire Insurance Company, being duly sworn, depose and say, that the above statement is correct.

M. V. B. FOWLER,
D. M. QUACKINBUSH.

Subscribed and sworn to before me, }
this 20th day of April 1880. }

J. EDGAR PHILLIPS,
Commissioner of Deeds, City and county of New York.

CONTINENTAL INSURANCE COMPANY, }
 NEW YORK, April 14, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR—In reply to your request dated 5th inst., for information required by Assembly resolution adopted 31 ultimo, we respectfully state that this company has paid nothing whatever during the last five years for or on account of any examination of the company by the direction of the Superintendent of the Insurance Department.

Very truly yours,

GEORGE T. HOPE,
President.

THE EAGLE FIRE COMPANY, }
 NEW YORK, April 15, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee:*

SIR—In response to yours of the 5th inst., I beg to state this company has not been examined by the Insurance Department during the last five years, and we have paid nothing to the department during the said period excepting the legal fees for filing our annual statements.

Very respectfully yours.

A. J. CLINTON,
President.

EMPIRE CITY FIRE INSURANCE COMPANY, }
 NEW YORK, April 14, 1880. }

This is to certify that the Empire City Fire Insurance Company has not been examined by the Insurance Department of the State of New York for the past five years, nor has said company paid any sum of money, either directly or indirectly to any person connected with said Insurance Department during the above mentioned time, with the exception of the amount paid for the filing of its annual statement, being twenty dollars each for the years 1878, 1879 and 1880.

W. A. BURTIS,
President.

Sworn to before me, this }
 14th day of April 1880. }

CHARLES E. HOPE,
Notary Public.

EXCHANGE FIRE INSURANCE COMPANY, }
 NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, Esq., *Chairman Insurance Committee, Assembly, Albany, N. Y.:*

SIR—Your communication of the 5th inst has just been received, and would say in reply thereto, that this company has not been examined by the Insurance Department within five years, and no payments or compensation has been paid for examination to the Superintendent during that time.

Yours respectfully,

R. CARMAN COMBES,
President.

FARRAGUT FIRE INSURANCE COMPANY, }
 NEW YORK, *April 13th*, 1880. }

Hon. CHARLES S. BAKER:

SIR — Your circular letter as to amounts paid by insurance companies for examinations, under direction of Superintendent of Insurance Department, is duly received, and in reply would state that this company has never been examined and consequently no fees have ever been paid for such examinations.

We remain, yours, &c.,
 JOHN W. LEFFINGWELL,
Vice-President.

THE FIREMEN'S INSURANCE COMPANY, }
 NEW YORK, *April 13th*, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — Yours of 5th inst. received. In reply would state there has not been an examination of this company by the Superintendent of the Insurance Department since 1872. Yours, truly,

P. H. OAKLEY,
Secretary.

FIREMAN'S TRUST INSURANCE COMPANY, }
 BROOKLYN, *April 14th*, 1880. }

CHARLES S. BAKER, Esq., *Chairman Insurance Committee, Albany, N. Y.:*

SIR — In reply to your communication of the 5th inst., I hereby certify, under oath, that the Fireman's Trust Insurance Company have made no payment for or on account of any examination by direction of the Superintendent of the Insurance Department, during the last five years. The annual statements of the company, its assets and liabilities, certified to by the officers of the company, have been forwarded to the Insurance Department, and will doubtless be found on file.

DWIGHT JOHNSON,
President.

Subscribed and sworn to before me }
 this 14th day of April, 1880. }

E. B. WOOD,
Notary Public, Kings county.

FRANKLIN AND EMPORIUM FIRE INSURANCE COMPANY, }
 NEW YORK, *April 13th*, 1880. }

CHARLES S. BAKER, Esq., *Chairman Insurance Committee:*

SIR — Enclosed please find statements of the amounts paid to the Insurance Department by the Emporium and the Franklin Fire Insurance Companies since organization, and also the amount paid by the Franklin and Emporium Fire Insurance Company since consolidation. Trusting the same will be satisfactory, we remain,

Very respectfully,
 R. M. G. DODGE,
Secretary.

EMPORIUM FIRE INSURANCE COMPANY. ORGANIZED 1873.

| | |
|---|----------------|
| Jan. 6, '74. O. W. Chapman, Supt., fee for filing annual report..... | \$20 00 |
| Jan. 17, '78. John F. Smyth, Supt., fee for filing annual report..... | 20 00 |
| Dec. 19, '78. John F. Smyth, Supt., official examination | 120 80 |
| Jan. 9, '79. John F. Smyth, Supt., fee for filing annual report..... | 20 00 |
| | <hr/> \$180 80 |

FRANKLIN FIRE INSURANCE COMPANY. ORGANIZED 1876.

| | |
|---|--------------|
| April 18, '76. Wm. Smyth, for expense, commissioner, examining company..... | \$28 72 |
| Jan. 31, '77. Wm. Smyth, for certifying charter.. | 12 00 |
| Jan. 18, '78. John F. Smyth, for filing statement. | 20 00 |
| Mar. 19, '78. John F. Smyth, for services, J. A. McCall, examining company..... | 13 00 |
| Dec. 4, '78. John F. Smyth, for clerks and expense, examining company..... | 66 40 |
| Dec. 12, '78. John F. Smyth, for clerks and expense, examining company..... | 20 10 |
| Dec. 21, '79. John F. Smyth, for clerks and expense, examining company..... | 61 40 |
| Jan. 23, '79. John F. Smyth, for filing statement. | 20 00 |
| | <hr/> 241 62 |

FRANKLIN AND EMPORIUM FIRE INSURANCE COMPANY. CONSOLIDATED MARCH 1, 1879.

| | |
|---|----------------|
| March 31, '79. For official examination..... | \$44 20 |
| July 7, '79. John F. Smyth, Supt., for filing amended charter..... | 42 00 |
| Jan. 12, '80. John F. Smyth, Supt., for filing annual statement | 20 00 |
| | <hr/> 106 20 |
| | <hr/> \$528 62 |

GERMAN AMERICAN INSURANCE COMPANY, }
NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—Referring to your circular 5th inst. now beg to say that this company has not been called upon to pay any sum for or on account of examinations by the Insurance Department of this State during the last five years.

Very respectfully,

JAMES A. SILVEY,
Secretary.

GERMANIA FIRE INSURANCE COMPANY, }
 NEW YORK, April 14, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, , Albany, N. Y.:*

SIR—I beg to acknowledge the receipt yesterday of your circular letter of the 5th inst. and in compliance with your request will state that the only charges made by the Superintendent of the Insurance Department during the last five years and paid by this company, amounted to \$24.20 being for an investigation made last January upon the increase of our capital stock to one million dollars.

Yours very respectfully,

HUGO SCHUMANN,
Secretary.

GLENS FALLS INSURANCE COMPANY, }
 GLENS FALLS, N. Y., April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR—In response to your circular letter of 5th inst. this morning received, we have the honor to report as follows: This company has been twice examined within five years by the Insurance Department, of this State, viz.: June 1876, at request of the company, to comply with the requirements of the Kentucky State Department in order for this company to be admitted to do business in that State; and again in August 1877 in compliance with the New York Safety Fund law, under which law this company at that time elected to do business. We would further report that at neither time was there any charge made against this company or paid by it for services. The actual expense of the examiners (railroad fare and hotel expenses) only were charged. These expenses amounted in the first case to \$18.05 and to \$24.30 in the latter instance.

Respectfully submitted,

J. L. CUNNINGHAM,
Secretary.

GLOBE FIRE INSURANCE COMPANY, }
 NEW YORK, April 14, 1880. }

Hon. CHARLES S. BAKER, *Chairman of Assembly Insurance Committee :*

SIR—As per request contained in your circular letter bearing date April 5th, I herewith transmit itemized copies of bills and amounts paid by this company for examination thereof ordered by the Superintendent of the Insurance Department, in June in 1879.

June 23, 1879, paid items of bill to S. M. Ballard.

| | |
|--|---------|
| Railroad fare to New York | \$4 10 |
| Railroad fare to Albany..... | 4 10 |
| Hotel bill and expenses in New York..... | 15 00 |
| | <hr/> |
| | \$23 20 |
| | <hr/> |

June 23, 1879, paid items of bill to William H. Smyth.

| | |
|---|---------|
| Railroad fare to New York..... | \$4 10 |
| Railroad fare to Albany..... | 4 10 |
| Hotel bill and expenses in New York | 10 00 |
| | <hr/> |
| | \$18 20 |
| | <hr/> |

June 30, 1879, paid J. E. Cross.

| | |
|---|---------|
| Railroad fare to New York..... | \$4 10 |
| Railroad fare to Albany..... | 4 10 |
| Hotel bill and expenses in New York | 15 00 |
| | <hr/> |
| | \$23 20 |
| | <hr/> |

June 28, 1879, paid items of bill to John A. McCall, Jr.

| | |
|--|---------|
| Steamboat fare to New York | \$3 50 |
| Railroad fare to Albany | 4 10 |
| Hotel bill and expenses in New York..... | 32 00 |
| | <hr/> |
| | \$39 60 |
| | <hr/> |

September 4, 1879, paid John A. McCall, deputy superintendent.

| | |
|------------------------------------|--------|
| Certified copy of examination..... | \$2 00 |
| | <hr/> |
| | \$2 00 |
| | <hr/> |

Recapitulation.

| | |
|------------------------------------|----------|
| Paid S. M. Ballard's bill..... | \$23 20 |
| Paid William H. Smyth's bill | 18 20 |
| Paid J. E. Cross, bill..... | 23 20 |
| Paid J. A. McCall Jr., bill | 39 60 |
| Paid J. A. McCall, Jr., bill..... | 2 00 |
| | <hr/> |
| | \$106 20 |
| | <hr/> |

EDGAR E. HOLLEY,
Secretary.

Sworn to before me, this }
14th day of April, 1880. }

JACOB DUBOIS,
Notary Public, New York county.

GREENWICH INSURANCE COMPANY, }
 NEW YORK, 15th April, 1880. }

Mr. CHARLES S. BAKER, *Chairman of Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — I have the honor to inform you that the Greenwich Insurance Company has paid no sum whatever to the Superintendent of the Insurance Department, or to any one, for or on account of any examination of this company by the direction of the Superintendent of the Insurance Department. I am, sir, very respectfully,

Your obedient servant,

M. A. STONE,
Secretary.

GUARDIAN FIRE INSURANCE COMPANY, }
 NEW YORK, April 16th, 1880. }

Amount paid to the Insurance Department of the State of New York for examination of this company :

| | |
|--|---------|
| Bill dated Sept. 8th, 1880. J. E. Cross, "personal expenses" | \$28 60 |
| Bill dated Sept. 8th, 1880. S. M. Ballard, "personal expenses" | 28 60 |
| Bill dated Sept. 15th, 1880. S. M. Ballard, "personal expenses" | 5 00 |
| Bill dated Sept. 15th, 1880. John A. McCall, "personal expenses" | 36 10 |
| | <hr/> |
| | \$98 30 |

CITY, COUNTY AND STATE }
 OF NEW YORK. }

William C. Thompson and Walter K. Paye, being duly sworn, on oath say and each for himself says, they are respectively President and Secretary of the Guardian Fire Insurance Company, and that the above is a correct statement of amount paid Insurance Department of the State of New York for examination of the affairs of the said company.

WILLIAM C. THOMPSON,
President.
 WALTER K. PAYE,
Secretary.

Subscribed and sworn to before me }
 this 16th day of April, 1880. }

FRANCIS P. BURKE,
Notary Public, New York county.

Mr. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR — Herewith please find statement of amount paid by this company for examination by the New York Insurance Department.

WALTER K. PAYE,
Secretary.

HAMILTON FIRE INSURANCE COMPANY, }
 NEW YORK, April 13th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR — In answer to your circular of the 5th inst., containing copy of resolution of the committee on Insurance of the Assembly, I would state that this company has not been examined during the time specified by the department, and has not therefore paid any money for or on account of any examination. We have, however, paid annually twenty dollars as requested by the department for filing our annual statement.

Very respectfully yours,

D. D. LEEDS,
Secretary.

HANOVER FIRE INSURANCE COMPANY, }
 NEW YORK, April 13th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — I am in receipt of your favor of the 5th inst., and hasten to reply. This company has made no "payments during the last five years for or on account of any examination by the direction of the Superintendent of the Insurance Department." I am, sir,

Yours very truly,

I. REMSEN LANE,
Vice-President.

HOFFMAN FIRE INSURANCE COMPANY, }
 NEW YORK, April 13th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR — In reply to the resolution adopted by the Assembly on the 31st ultimo, I beg to say that no examination of this company has been made during the time stated in said resolution.

Respectfully yours,

SAMUEL M. CRAFT,
Vice-President.

Subscribed and sworn to before me, }
 this 13th day of April, 1880. }

R. B. VALENTINE, JR.,

Notary Public, Kings county, New York. Certificate filed in New York county.

HOME INSURANCE COMPANY, }
 NEW YORK, April 13th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee:*

SIR — Your communication of the 5th inst. is before me for reply. The last examination of this company made under the direction of the Insurance Department was in January, 1875, when the capital stock was increased, no such examination having been made within five years.

Yours very respectfully,

J. H. WASHBURN,
Secretary.

THE HOPE FIRE INSURANCE COMPANY, }
New York, April 15th, 1880. }

Hon. CHARLES S. BAKER, *Chairman*:

SIR — On the 5th day of September, 1879, we paid check to the order of Hon. John F. Smyth, Superintendent, for \$59.70, for traveling and other expenses incurred in the examination of this company on August 14th and 15th, and 26th to 29th. This is the only sum we have paid for or on account of any examination of the company during the last five years.

Very respectfully yours,

I. D. COLE,

President.

LOUIS P. BAYARD,

Secretary.

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.

On this 15th day of April, 1880, before me personally came I. D. Cole, Jr., and Louis P. Bayard, to me known to be the individuals described in and who executed the within instrument, and severally acknowledged that they executed the same, and that the same is true to the best of their knowledge and belief.

C. H. DEWEY,

Notary Public, Kings county and New York county, New York.

THE HOWARD INSURANCE COMPANY, }
New York, April 13th, 1880. }

Hon. CHARLES S. BAKER, *Chairman of Insurance Committee*:

SIR — We are in receipt of your communication of the 5th inst., inclosing resolutions of Assembly, and noting your request for information. We beg to say that this company has not paid any sum or sums of money to the Insurance Department of the State for examinations during the period embraced in your resolutions.

Respectfully yours,

HENRY A. OAKLEY,

President.

IMPORTERS AND TRADERS INSURANCE COMPANY, }
New York, April 13th, 1880. }

CHARLES S. BAKER, Esq.:

SIR — In response to your inquiry of the 5th inst., we reply that this company has not paid any sum, of any kind, for examination under the direction of the Insurance Department during the last five years.

Very respectfully,

JOSEPH BROKAW,

President.

Subscribed and sworn to before me }
the 13th day of April, 1880. }

BENJAMIN T. RHOADS, JR.

Notary Public, New York county.

IRVING INSURANCE COMPANY, }
NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—Your circular of 5th inst., requesting statement of amounts paid by this company for or on account of examinations made of the company by direction of the Insurance Department is received this morning, and in reply would state that the following amounts are all that have been paid by us during the five years embraced in the resolution of the Assembly, viz.:

| | |
|--|----------------|
| To Isaac Vanderpoel, for expenses | \$19 10 |
| To L. B. Hoyt for expenses | 19 10 |
| To John A. McCall, Jr., for expenses | 16 00 |
| Total | <u>\$54 20</u> |

Very respectfully yours,

MARTIN L. CROWELL,
President.

Sworn to before me, this }
15th day of April, 1880. }

M. B. WILSON,
Notary Public.

JEFFERSON INSURANCE COMPANY, }
NEW YORK, April 14, 1880. }

Hon. CHARLES S. BAKER, Esq., *Chairman Insurance Committee, Albany, N. Y.:*

SIR—In reply to your circular of the 5th inst. I would say that the Jefferson Insurance Company has not been examined within the past five years and has paid no moneys to the Insurance Department for such service.

Respectfully yours,

WILLIAM B. FLOWERY,
Secretary.

KINGS COUNTY FIRE INSURANCE COMPANY, }
NEW YORK, April 15, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee:*

SIR—In answer to your circular letter of the 5th inst. we have to say that there has been no examination of the Kings County Fire Insurance Company by direction of the Superintendent of the Insurance Department during the last five years.

Very respectfully yours,

HENRY POPE,
Secretary.

KNICKERBOCKER FIRE INSURANCE COMPANY, }
NEW YORK, April 19, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee:*

SIR—In accordance with your request to furnish you with the total

sums paid by this company for or on account of any examination, I would respectfully submit the following.

| | |
|--|---------|
| July 8, 1879, bill of S. M. Ballard, examination of books, etc., from June 30, 1879, to July 2, 1879..... | \$22 60 |
| July 8, 1879, bill of J. E. Cross, examination of books, etc., from June 30, 1879, to July 2, 1879..... | 22 60 |
| August 2, 1879, bill of John A. McCall, deputy superintendent, examination of books, etc., from July 22, 1879, to July 26, 1879 | 23 80 |
| The bills, include hotel bills, car fare, etc. | |
| August 14, 1879, John F. Smyth, superintendent ten certificates of examination | 20 00 |

CITY AND COUNTY OF NEW YORK, ss.:

Edward W. Albro, being duly sworn, says that he is the secretary of the Knickerbocker Fire Insurance Company of New York. That the foregoing statement is a correct and true statement of all sums paid by said company during the last five years for or on account of any examination of such Insurance Company by the direction of the Superintendent of the Insurance Department.

E. W. ALBRO,
Secretary.

Sworn to before me, this }
19th day of April, 1880. }

WILLIAM D. JONES,
Notary Public for Kings county, certified in New York county.

Hon. CHARLES S. BAKER, *Chairman Insurance Committee:*

SIR--In answer to the resolutions adopted by the Assembly on the 31st ultimo., the LaFayette Fire Insurance Company report that it has made no payments on account of any examination of said Insurance Company by the direction of the Superintendent of the Insurance Department during the term of five years.

Yours respectfully,

GEORGE W. HUNT,
Secretary.

Sworn to before me, this }
13th day of April, 1880. }

HENRY C. FRANKLIN,
Notary Public, Kings county, New York.

OFFICE OF THE LAMAR INSURANCE COMPANY OF NEW YORK, }
NEW YORK, April 30th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — Your circular of the 5th inst. came to hand while I was confined to my room, being seriously ill ; now inclose herewith an affidavit in answer to the same. Trusting that it will be found correct, and hoping that you will pardon the great delay, I am,

Respectfully yours,

WILLIAM N. MAC DIARMID,
Secretary.

This is to certify that the "Lamar Insurance Company of New York" has made no payments whatever during the past five years to the Superintendent of the Insurance Department, for or on account of any examination of this company.

WILLIAM N. MAC DIARMID,
Secretary.

Sworn to before me this 13th }
day of April, 1880. }

J. M. MATTHEWS,
Notary Public, New York county.

OFFICE OF LENOX FIRE INSURANCE COMPANY, }
New York, April 17th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR — Your circular of the 5th inst., in reference to charges of Insurance Superintendent in examination of companies, was received on 13th inst. This company was examined by the Insurance Department on 16th December last, and we paid check to the order of John F. Smyth, Superintendent, for services rendered in such examination, sixty-six and thirty-one hundredth dollars, as follows:

| | |
|---|----------------|
| Mr. John McCall, Jr., from Dec. 16th to 18th..... | \$28 10 |
| Mr. W. H. Smyth, from Dec. 16th to 18th. | 19 10 |
| Mr. J. E. Cross, from Dec. 16th to 18th..... | 19 10 |
| Total..... | <u>\$66 30</u> |

Trusting this will be found satisfactory, we are,

Very respectfully,

A. A. WALTON,
Secretary.

Subscribed and sworn to before me }
this 16th day of April, 1880. }

W. P. RHODES, JR.,
Notary Public, Kings county. Certificate filed in New York county.

LONG ISLAND INSURANCE COMPANY, }
BROOKLYN, April 14th, 1880. }

Hon. CHARLES S. BAKER:

SIR — Your circular of the 5th inst. at hand, asking for information as to expenses of examination during the last five years. I have the honor to reply that there has been no examination of the affairs of this company by the department within the time named. The last examination was in 1865. Yours very truly,

JONATHAN OGDEN,
Vice-President.

LORILLARD INSURANCE COMPANY, }
NEW YORK, April 15th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.*:

SIR — In reply to your circular of 5th inst., we beg leave to state that we paid the Insurance Department for examination of this company made in December last, the sum of one hundred and twenty-four and seventy one-hundredth dollars, as follows, to wit:

| | |
|-------------------------|----------|
| J. E. Cross, Jr..... | \$14 10 |
| W. H. Smyth..... | 14 10 |
| Isaac Vanderpoel..... | 33 20 |
| John A. McCall, Jr..... | 20 10 |
| S. M. Ballard..... | 33 20 |
| S. M. Ballard..... | 10 00 |
| | <hr/> |
| | \$124 70 |
| | <hr/> |

All for railroad fare and hotel bills.

Respectfully,
JOHN C. MILLS.

CITY AND COUNTY OF NEW YORK, ss.:

John C. Mills being duly sworn, says that the foregoing statements are true to the best of his information and belief.

JOHN C. MILLS.

Sworn to before me this 16th }
day of April, 1880. }

LEWIS M. NORWOOD,
Notary Public, New York county.

MANHATTAN FIRE INSURANCE COMPANY, }
NEW YORK, April 17, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany N. Y.*:

SIR—In answer to the resolutions adopted by the Assembly the 31st ulto., as to the sum paid by this company during the last five years for or on account of any examination by direction of the Superintendent of Insurance we have to say that we have paid nothing.

Respectfully yours,
ANDREW J. SMITH,
President

MANUFACTURERS AND BUILDERS' FIRE INSURANCE COMPANY, }
NEW YORK, April 15, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee*:

SIR—In accordance with your circular letter dated 5th inst. I herewith send you detailed statement of moneys expended by this company

during the time specified in said communication for the examination of this company by the Insurance Department.

Very truly yours,

J. JAY NESTELL,
Secretary.

Statement of amount expended by the Manufacturers' and Builders Fire Insurance Company, during the last five years for examinations made by the Insurance Department of the State of New York.

1879.

| | |
|---|----------|
| July 7. Amount paid J. E. Cross, as per bill marked "A"... | \$24 10 |
| July 7. Amount paid S. M. Ballard, as per bill marked "B"..... | 23 00 |
| July 7. Amount paid William H. Smyth, as per bill marked "C"..... | 24 10 |
| July 8. Amount paid J. A. McCall, as per bill marked "D"..... | 32 20 |
| July 16. Amount paid J. A. McCall, as per bill marked "E"..... | 39 00 |
| | <hr/> |
| | \$142 40 |
| | <hr/> |

CITY, COUNTY AND }
STATE OF NEW YORK. } ss.:

On the 15th day of April 1880, before me came J. Jay Nestell with whom I am personally acquainted and known to me to be the secretary of the Manufacturers and Builders' Fire Insurance Company, who being by me duly sworn, says that the foregoing statement, representing correct amount of moneys expended by said Manufacturers and Builders' Fire Insurance Company for examinations made by the Insurance Department of the State of New York during the past five years.

THEODORE P. ANDERSON,
Notary Public, New York.

"A."

(Copy.)

ALBANY, June 30, 1879.

INSURANCE DEPAR'T STATE OF NEW YORK. To J. E. CROSS, Dr.

To personal expenses on the examination of the Mnnufacturers and Builders Fire Insurance Company, from June 23 to June 26, 1879, inclusive, viz.:

| | |
|--|---------|
| June 23d to railroad and drawing room car fare to New York | \$4 10 |
| June 23d to four days' expenses in New York at \$5 | 20 00 |
| | <hr/> |
| | \$24 10 |
| | <hr/> |

Correct.

JOHN A. MCCALL, JR.,
Deputy Superintendent.

Paid June 30, 1879, warrant 7028.

Received payment,
J. E. CROSS.

"B."

(Copy.)

ALBANY, *June* 30, 1879.INSURANCE DEPARTMENT. To S. M. BALLARD, *Dr.*

To personal expenses on examination of the Manufacturers and Builders Insurance Company, from June 23 to 26th, viz.:

| | |
|---|---------|
| June 23d, boat to New York | \$3 00 |
| June 23 to 26th, to cover hotel bills, etc..... | 20 00 |
| | <hr/> |
| | \$23 00 |

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.

Received payment,
S. M. BALLARD.

Paid June 30, 1879, warrant 7027.

"C."

(Copy.)

ALBANY, *June* 30, 1879.INSURANCE DEPART' STATE OF NEW YORK. To WILLIAM H. SMYTH, *Dr.*

To personal expenses incurred on examination of Manufacturers and Builders Fire Insurance Company of New York from June 23, 1879, to June 26, 1879, inclusive, viz.:

| | |
|--|---------|
| June 23d, railroad fare and drawing room car to New York.. | \$4 10 |
| Four days expenses at \$5 per day | 20 00 |
| | <hr/> |
| | \$24 10 |

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.

Received payment,
WILLIAM H. SMYTH.

Paid June 30, 1879, warrant 7025.

(Copy.)

ALBANY, *July* 5, 1879.INSURANCE DEPART' STATE OF NEW YORK. To JOHN A. McCALL, JR., *Dr.*

For expenses incurred in the matter of the Manufacturers and Builders Fire Insurance Company of New York city from July 1, to 3d.

| | |
|--|---------|
| Railroad and drawing room car fare to and from New York. | \$8 20 |
| To cover all actual and necessary expenses for hotel bills, lunches, telegrams, car and omnibus fare, etc..... | 24 00 |
| | <hr/> |
| | \$32 20 |

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.

Received payment.
JOHN A. McCALL, JR.

Paid July 5, 1879, warrant 7304.

"H."

(Copy.)

ALBANY, July 15, 1879.

INSURANCE DEPARTMENT STATE OF NEW YORK. To JOHN A. McCALL, JR., *Dr.*

For expenses incurred in the matter of the investigation of the Manufacturers and Builders Fire Insurance Company, of New York, from July 9th to July 12th.

| | |
|---|---------|
| Stateroom and steamboat fare to and from New York | \$7 00 |
| To cover all actual and necessary expenses for hotel bills, lunches, telegrams, omnibus and car fare..... | 32 00 |
| | <hr/> |
| | \$39 00 |
| | <hr/> |

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.

Paid July 15, 1879, warrant No. 7384.

Received payment,
JOHN A. McCALL, JR.

MECHANICS' FIRE INSURANCE COMPANY, }
BROOKLYN, April 13th, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee:*

SIR — In reply to your inquiry, "what sum paid, if any, for or on account of any examination by the direction of the Superintendent of the Insurance Department," we have never paid any money for such service.

Very respectfully;

JOHN H. BAKER,
Treasurer.

Why should bonds and mortgages on real estate be taxable, when the real estate is taxed irrespective of any incumbrance?

ASSEMBLY CHAMBER, }
ALBANY, April 5th, 1880. }

To the Secretary of Mechanics and Traders' Fire Insurance Co.:

On the 31st ultimo the following resolutions were adopted by the Assembly, viz.:

Resolved, That the Committee on Insurance of the Assembly be and is hereby directed to ascertain and report to this body within twenty days the total sum paid respectively by each insurance company of this State, during the last five years, for or on account of any examination of such insurance company by the direction of the Superintendent of the Insurance Department, said report to state in items the kind of service for which payment was made, the amount paid to each person who claimed compensation, and the amount claimed by each of said persons, also

Resolved, That the said Committee on Insurance shall have power to send for persons and papers, if it shall deem such action necessary, and that it shall require all reports made to it by each of the Insurance Companies to be attested by the oaths of the officers making the returns.

Will you be kind enough at your earliest possible convenience to furnish me the information required by the resolution?

Very respectfully yours,
CHARLES S. BAKER,
Chairman Insurance Committee.

OFFICE OF MECHANICS AND TRADERS' FIRE INSURANCE Co., }
New York, April 13th, 1880. }

This company has paid nothing on the above account.
J. M. TOMPKINS,
Secretary.

THE MERCANTILE FIRE INSURANCE COMPANY, }
New York, April 13th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly State of New York:*

I, C. W. Parmelee, Secretary of the Mercantile Fire Insurance Company of New York, do hereby certify that this company has not paid any sum during the last five years, for or on account of any examination of the company by the direction of the Superintendent of the Insurance Department.

C. W. PARMELEE,
Secretary.

Sworn to before me this 13th }
day of April, 1880. }

JACOB DUBOIS,
Notary Public, New York county.

OFFICE OF THE MERCHANTS' INSURANCE COMPANY, }
New York, April 21st, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee of Assembly, Albany, N. Y.:*

SIR—In compliance with your printed letter and the resolutions of the Assembly, dated March 31, 1880, I have the pleasure to send you the inclosed bills for examination by the Insurance Department of New York into the affairs of the company, as follows :

| | |
|---|-----------------|
| Hon. John A. McCall, Deputy Superintendent..... | \$68 30 |
| W. H. Smyth..... | 66 40 |
| J. E. Cross..... | 65 80 |
| S. M. Ballard..... | 55 80 |
| Total..... | <u>\$256 30</u> |

Duplicate copies of each of the bills sent by the Insurance Department in detail are hereto annexed, corresponding with the above

figures. It will be remembered that this company amended its charter once during the year 1869, and also renewed its charter for another thirty years during the same year 1879, the examination of the latter going back a period of 29½ years. Considering the service rendered we consider the charges are infinitesimally small, and we bear cheerful testimony as to the efficiency and gentlemanly courtesy of all the members of that department. They cannot be excelled. I have the honor to be,

Very respectfully yours,

J. L. DOUGLASS,

Secretary.

Sworn to before me this 21st }
day of April, 1880. }

EDWARD ROWELL,
Notary Public, city and county of New York.

(Copy of bill.)

ALBANY, *October 30th*, 1879.

INSURANCE DEPAR'T, STATE OF NEW YORK. To S. M. BALLARD, *Dr.*

To personal expenses 'on examination of the Merchants' Fire Insurance Company from Sept. 25th to 27th, viz.:

| | | |
|--------------------|---|---------------------|
| 1879. Sept. 25. | Railroad to New York..... | \$4 10 |
| 1879. Sept. 27. | Railroad to Albany..... | 4 10 |
| 1879. Sept. 25-27. | To cover hotel bills, lunches, car fare, &c..... | 15 00 |
| | | <hr/> \$23 20 <hr/> |

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.

Received payment,
S. M. BALLARD.

(Copy of bill.)

ALBANY, *Oct. 6th*, 1879.

INSURANCE DEPARTMENT, STATE OF NEW YORK. To JOHN A. McCALL, JR., *Dr.*

To expenses incurred in New York city on Sept. 12th and 13th, and from Sept. 23d to Sept. 27th in the matter of the examination of the Merchants' Insurance Company of New York city.

| | |
|--|---------------------|
| Railroad and drawing room car fare to Albany, Sept. 13.... | \$4 10 |
| Railroad and drawing room car fare from Albany, Sept. 23.. | 4 10 |
| Railroad and drawing room car fare to Albany, Sept. 27.... | 4 10 |
| To cover all actual and necessary expenses for hotel bills, lunches, omnibus fare, &c | 56 00 |
| | <hr/> \$68 30 <hr/> |

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.
Paid Oct. 6, 1879. Warrant 276.

Received payment,
JOHN A. McCALL, JR.

(Copy of bill.)

ALBANY, *October 6th*, 1879.

INSURANCE DEPARTMENT, STATE OF NEW YORK. To WILLIAM H. SMYTH, *Dr.*

To expenses incurred in examination of the Merchants' Insurance Company (fire) of New York from Sept. 23d to Sept. 27th, 1879, inclusive, viz. :

| | | |
|-----------|---|---------|
| Sept. 23. | Railroad fare and drawing room car to New York, | \$4 10 |
| Sept. 27. | Railroad fare and drawing room car to Albany... | 4 10 |
| | Five days expenses at \$5 per day..... | 25 00 |
| | | <hr/> |
| | | \$33 20 |

Correct.

JOHN A. MCCALL, JR.,
Deputy Superintendent.

Received payment,
WM. H. SMYTH.

Paid Oct. 6, 1879. Warrant No. 277.

(Copy of bill.)

ALBANY, *Oct. 6th*, 1879.

INSURANCE DEPAR'T, STATE OF NEW YORK. To J. E. CROSS, *Dr.*

To personal expenses on the examination of the Merchants' Fire Insurance Company, from Sept. 24th to Sept. 27th, 1879, inclusive, viz.:

| | | |
|-------------|---|---------|
| Sept. 24th. | To railroad and drawing room fare to New York, | \$4 10 |
| Sept. 27th. | To railroad and drawing room fare to Albany.. | 4 10 |
| Sept. 27th. | To four days expenses (hotel bills, &c.) at \$5 per day..... | 20 00 |
| | | <hr/> |
| | | \$28 20 |

Correct.

JOHN A. MCCALL, JR.,
Deputy Superintendent.

Received payment,
J. E. CROSS.

Warrant No. 278. Paid Oct. 6, 1879.

(Copy of bill.)

ALBANY, *Sept 15th*, 1879.

INSURANCE DEPARTMENT. To WILLIAM H. SMYTH, *Dr.*

To personal expenses on examination of the Merchants' Insurance Company (fire) from Sept. 9th to Sept. 13th, viz. :

| | | |
|-----------|---|---------|
| Sept. 9. | Railroad fare \$3.10, drawing room car to New York, \$1..... | \$4 10 |
| Sept. 13. | Railroad fare, drawing room car to Albany..... | 4 10 |
| | Five days and expenses at \$5 per day..... | 25 00 |
| | | <hr/> |
| | | \$33 20 |

Correct.

JOHN A. MCCALL, JR.,
Deputy Superintendent.

Received payment,
WILLIAM H. SMYTH.

Warrant 7953. Paid Sept. 15, 1879.

[Assem. Doc. No. 134.] 7

(Copy of bill.)

ALBANY, *Sept. 15th*, 1879.INSURANCE DEPARTMENT. To S. M. BALLARD, *Dr.*

To personal expenses on examination of the Merchants' Insurance Company (fire) from Sept. 8th to 13th, viz. :

| | |
|---|---------|
| Sept. 8. Fare by boat to New York..... | \$3 50 |
| Sept. 13. Fare by rail to Albany..... | 4 10 |
| Sept. 8, 9, 10, 12, 13. To personal expenses, hotel bills, lunches, &c..... | 25 00 |
| | <hr/> |
| | \$32 60 |

Correct.

JOHN A. MCCALL, JR.,
Deputy Superintendent.Received payment,
S. M. BALLARD.

(Copy of bill.)

ALBANY, *Sept. 15th*, 1879.INSURANCE DEPART'T, STATE OF NEW YORK. To J. E. CROSS, *Dr.*

To personal expenses on examination of the Merchants' Fire Insurance Company, from Sept. 8th to Sept. 13th, viz. :

| | |
|--|---------|
| Sept. 8. To fare by boat and stateroom to New York.... | \$3 50 |
| Sept. 13. To fare by rail and drawing room car to Albany.. | 4 10 |
| Sept. 8-13. To six days expenses in New York at \$5..... | 30 00 |
| | <hr/> |
| | \$37 60 |

Correct.

JOHN A. MCCALL, JR.,
Deputy Superintendent.Received payment,
J. E. CROSS.MONTAUK FIRE INSURANCE COMPANY, }
BROOKLYN, *April 13*, 1880. }Hon. CHARLES S. BAKER, *Chairman of Insurance Committee* :

SIR—In compliance with the resolution of the Assembly, please find herewith inclosed the required affidavit.

Respectfully,
WILLIAM ELLSWORTH,
President.

STATE OF NEW YORK, KINGS COUNTY CITY OF BROOKLYN, ss.:

This is to certify that the Montauk Fire Insurance Company of Brooklyn has not paid to any person or persons, any sum or sums of money for or on account of any examination of this company, by direction of the Superintendent of the Insurance Department, within the period prescribed by the resolutions of the honorable the Assembly of this State.

WILLIAM ELLSWORTH,
*President.*Sworn and subscribed to, this }
13th day of April, 1880, before me. }JACOB I. BERGEN,
Notary Public, Kings county.

THE NASSAU FIRE INSURANCE COMPANY, }
BROOKLYN, April 15, 1880. }

Hon. CHARLES S. BAKER:

SIR—Your communication of 5th inst. received, and in reply state that nothing has been paid by this company during the last five years for or on account of any examination made by the Insurance Department.

I am, very truly yours,
WILLIAM T. LANE,
Secretary.

NATIONAL FIRE INSURANCE COMPANY, }
NEW YORK, April 16, 1880. }

Hon. CHARLES S. BAKER, *Chairman Assembly Insurance Committee*.

SIR—In reply to your circular of the 5th would say that during the past five (5) years we have not been examined, the last examination was made at the time of the Boston fire and the year subsequent thereto, 1873.

Yours truly,
WILLIAM J. HALL,
Secretary.

NEW YORK AND BOSTON INSURANCE COMPANY, }
NEW YORK, April 19, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee*:

SIR—The New York and Boston Insurance Company, has never paid any fees to the Insurance Department or any one else, for examinations.

Your obedient servant,
ROBERT L. LIVINGSTON,
Secretary.

ASSEMBLY CHAMBER, }
ALBANY, April 5, 1880. }

To the Secretary of New York Bowery Fire Insurance Company:

On the 31st ultimo the following resolutions were adopted by the Assembly, viz.:

Resolved, That the Committee on Insurance of the Assembly be and is hereby directed to ascertain and report to this body within twenty days the total sum paid respectively by each Insurance Company of this State, during the last five years, for or on account of any examination of such Insurance Company by the direction of the Superintendent of the Insurance Department, said report to state in items the kind of service for which payment was made, the amount paid to each person who claimed compensation, and the amount claimed by each of said persons, also

Resolved, That the said Committee on Insurance shall have power to send for persons and papers, if it shall deem such action necessary, and that it shall require all reports made to it by each of the Insurance Companies to be attested by the oaths of the officers making the returns.

Will you be kind enough at your earliest possible convenience to furnish me the information required by the resolution.

Very respectfully yours,

CHARLES S. BAKER,

Chairman Insurance Committee.

Nothing whatever by this company.

J. A. DELANCEY, JR.,

President.

NEW YORK, *April 13, 1880.*

NEW YORK CITY INSURANCE COMPANY, }
NEW YORK, *April 14, 1880.* }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—In reply to your circular letter of the 5th inst. we send you herewith copies of bills rendered to this company for examinations as follows, viz.:

| | |
|-------------------------|---------|
| November 25, 1876..... | \$22 45 |
| May 24, 1878.. | 48 20 |
| December 32, 1879 | 99 50 |

Trusting that these bills will furnish you with such information as the resolutions call for as no other examinations have been made within the limit of five years, we remain.

Yours truly,

J. D. KINSMAN,

Secretary.

CITY AND COUNTY OF }
NEW YORK. } ss.:

On this 14th day of April 1880, personally appeared J. D. Kinsman, secretary of the New York City Insurance Company, who being duly sworn, doth depose and say that the above statement of charges made for examination of the said company by the Superintendent of the Insurance Department is true.

J. D. KINSMAN,

Secretary.

CHARLES E. HOPE,

Notary Public.

(Copy.)

INSURANCE DEPARTMENT, }
ALBANY, *November 25, 1876.* }

JOHN W. SIMONSON, Esq., *Secretary New York City Insurance Company, 100 Broadway, New York:*

SIR—I have received your letter of 22d inst., inclosing check for \$22.45 in payment of amount due this department, as follows:

| | |
|---|----------------|
| Expenses of Deputy Superintendent J. A. McCall, Jr., on examination of company on change of name November 13 and 14, 1876 | \$16 45 |
| Certified copy, charter and organization papers for filing in New York county, sent 14th inst | 6 00 |
| Total..... | <u>\$22 45</u> |

(Signed)

Yours respectfully,
WILLIAM SMYTH,
Acting Superintendent, per M. H. R.

(Copy.)

MAY 2, 1878.

| | |
|---|----------------|
| NEW YORK CITY INSURANCE COMPANY OF NEW YORK. To THE INSURANCE DEPARTMENT OF THE STATE OF NEW YORK, Dr. | |
| 1878. | |
| April 30. To one copy agreement between Resolute and New York City Insurance Company | \$1 70 |
| May 7. To one copy consent of stockholders to agreement between the Resolute Fire Insurance Company and New York City Insurance Company | 2 00 |
| May 21. To two certified copies papers relating to merging of Resolute Fire Insurance Company with New York City Insurance Company, one for filing in New York county clerk's office and one for company's use..... | 7 40 |
| May 21. To three final certificates of superintendent on consolidation into New York City Insurance Company ... | 6 00 |
| May 21. To expense incurred by Mr. J. A. McCall, Jr., on examination of the New York City Insurance Company and Resolute Fire Insurance Company, from May 16 to 18, 1878..... | 31 10 |
| Total..... | <u>\$48 20</u> |

(Signed)

Received payment, May 24, 1878.
JOHN F. SMYTH,
Superintendent, per M. H. R.

(Copy.)

INSURANCE DEPARTMENT, }
ALBANY, December 22, 1879. }

JOHN W. SIMONSON, *Vice-President, New York City Insurance Company, New York:*
SIR—I have received your letter dated 20th inst. inclosing check for ninety-six dollars and fifty cents in payment of expenses incurred

by examiners from this department on the recent examination of your company as follows :

| | |
|---|----------------|
| Expenses of Mr. J. S. Cross, on examination December 1 to 6, 1879 | \$38 20 |
| Expenses of Mr. J. A. McCall, Jr., on examination December 5 and 6, 1879..... | 20 10 |
| Expenses of Mr. S. M. Ballard, on examination December 1 to 6, 1879..... | 38 20 |
| Total..... | <u>\$96 50</u> |

Said amounts having been paid to such examiners by warrant of comptroller upon the State treasurer.

(Signed)

Yours very respectfully,
JOHN A. McCALL,
Deputy Superintendent.

NEW YORK EQUITABLE INSURANCE COMPANY, }
NEW YORK, April 14, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—In reply to your communication received 13th inst. per resolutions adopted by the Assembly on the 31st ultimo asking what amount our company has paid during the last five years for or on account of any examinations made by the direction of the Superintendent of the Insurance Department, I would respectfully state, that we have not paid a dollar for the purposes indicated and that our company has not been examined by the Superintendent.

Very respectfully, your obedient servant,

JOHN MILLER,
Secretary.

NEW YORK FIRE INSURANCE COMPANY, }
NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—In reply to your circular letter of the 5th inst. which has just come to hand, I would say that during the past five years this company has not been examined at the instance of the Insurance Department, and that it has not paid for any kind of service by said department further than the fee of \$20 for filing our annual statement.

Very respectfully yours,

AUGUSTUS COLSON,
Secretary.

NIAGARA FIRE INSURANCE COMPANY, }
NEW YORK, April 14, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee :*

SIR—In accordance with your circular of 5th inst. requesting information, per resolution of the Assembly, I herewith append an affidavit of the facts.

Very respectfully,
P. NOTMAN,
President, Niagara Fire Insurance Company.

STATE OF NEW YORK, }
City and County of New York. }

I, Peter Notman, president of the Niagara Fire Insurance Company of New York, do hereby certify, that the said Niagara Fire Insurance Company, has not been examined by any person from the Insurance Superintendent's office, nor has it paid any money whatever on any such account, during the past five years.

P. NOTMAN.

Sworn to before me, this }
14th day of April, 1880. }

EDGAR FORMAN,
Notary Public, Kings county, New York county certified.

OFFICE OF NORTHERN INSURANCE COMPANY OF NEW YORK, }
WATERTOWN, April 13th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber :*

SIR — In response to request contained in your circular letter of the 5th inst., would submit the following, viz. :

| | |
|--|-----------------|
| Examination in October, 1875, by Deputy Superintendent McCall and Assistant Larwood—bill for traveling and hotel expenses of both, presented and paid..... | \$37 35 |
| Paid C. H. Waltz, attorney, for examination of mortgages, per order of Superintendent Insurance Department..... | 105 00 |
| Examination November, 1879, by Deputy Superintendent McCall and four assistants — traveling and hotel expenses. | |
| Time consumed four days : | |
| Bill of Deputy Superintendent McCall..... | 50 05 |
| Bill of Assistant Ballard..... | 35 05 |
| Bill of Assistant Smyth | 35 05 |
| Bill of Assistant Cross..... | 35 05 |
| Total for five years..... | <u>\$297 55</u> |

Respectfully,
A. H. WRAY,
Secretary.

STATE OF NEW YORK, JEFFERSON COUNTY, ss. :

A. H. Wray being duly sworn, deposes and says, that he is now and has been for more than five years, secretary of the Northern Insurance Company; that the above return of moneys paid for examinations, by

direction of the Insurance Department, is true, and that no money has been paid to any person for such service other than as stated above during said period.

A. H. WRAY.

Subscribed and sworn to before me {
this 13th day of April, 1880. }

WM. R. TASSEY, *Notary Public*.

OFFICE OF NORTH RIVER INSURANCE COMPANY, }
NEW YORK, April 18th, 1880. }

Hon. CHARLES S. BAKER, *Chairman of the Insurance Committee of the Assembly of the State of New York*:

SIR — In reply to the resolutions passed by the Assembly inquiring what amount has been paid by this company, for or on account of any examination of its affairs by the direction of the Superintendent of the Insurance Department, I would say that we have had no examination in the time specified, viz., five years, and that the only moneys paid has been the annual fees for filing the annual statement, sent to the Insurance Department.

Yours respectfully,

A. BOGERT,
Corresponding Secretary.

Sworn and subscribed before me {
this 15th day of April, 1880. }

L. WARNER, *Notary Public, New York county*.

PACIFIC FIRE INSURANCE COMPANY, }
NEW YORK, April 13th, 1880. }

CHARLES S. BAKER, *Chairman Insurance Committee*:

SIR — In reply to your printed letter of 5th inst., calling for information under resolution passed by the Assembly March 31, 1880, I would say that this company has not paid any thing to, or been examined by the Superintendent of the Insurance Department, or any one acting under his authority, at any time during the last five years.

Yours very respectfully,

W. A. BUTLER,
Secretary.

PARK FIRE INSURANCE COMPANY, }
NEW YORK, April 15th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee*:

SIR — In reply to your circular of the 5th inst., I would say that this company has not, during the last five years, paid any thing for or on account of any examination of the company, by the direction of the Insurance Department.

Yours truly,

WILLIAM VALENTINE,
Secretary.

Sworn to before me this {
15th day of April, 1880. }

JACOB DUBOIS, *Notary Public, New York county*.

PEOPLE'S FIRE INSURANCE COMPANY, }
 NEW YORK, April 15th, 1880. }

Hon. C. S. BAKER, *Chairman, etc.*:

SIR—Your circular letter of the 5th received. In reply would say that the People's Fire Insurance Company have not paid a cent to the Insurance Department of this State for any examination during the last five years.

Very respectfully,
 F. V. PRICE,
President.

PETER COOPER FIRE INSURANCE COMPANY, }
 NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee* :

SIR—Your circular letter of the 5th inst. received. This company has not paid a dollar to any person, for any examination, during the past five years.

Very respectfully yours, etc.,
 WILLIAM H. RIBLET,
Secretary.

Sworn to before me, this }
 13th day of April, 1880. }

WILLIAM H. DRAKE,
Notary Public, Kings county.

PHENIX INSURANCE COMPANY, }
 NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman of Insurance Committee, Albany, N. Y.*:

SIR—In answer to your circular letter under date 5th inst. I would inform you that this company has had no official examination by the "Insurance Department" during the last-five years.

With great respect I am, truly yours,
 PHILANDER SHAW,
Vice-President and Secretary.

RELIEF FIRE INSURANCE COMPANY, }
 NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee*:

SIR—The "Relief Fire Insurance Company," has paid *nothing* during the last five years for, or on account of any examination of the company, by the direction of the Superintendent of the Insurance Department.

Yours respectfully,
 W. E. CRARY,
Secretary.

REPUBLIC FIRE INSURANCE COMPANY, }
 NEW YORK, April 20, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee:*

SIR—Please find inclosed the items paid by this company by the direction of the Superintendent of the Insurance Department as per resolutions of the Assembly passed the 31st ult.

Very respectfully,

D. F. CURRY,
Secretary.

The total sums of moneys paid by the Republic Fire Insurance Company of New York during the last five years for or on account of any examination of this company by the direction of the Superintendent of the Insurance Department are as follows:

| | Paid. |
|---|-----------------------|
| To William Laimbier expenses appraising one lot Seventieth street; five lots Seventy-first and Seventy-second and Eighth avenue; one lot Morrisania and seven acres at Riverdale, all in New York city..... | \$145 00 June 8, 1878 |
| To Lucius B. Hoyt, expenses on examination October 17 and 18, 1879 | 14 10 Nov. 7, 1879 |
| To James E. Cross, expenses on examination October 14 to 18, 1879 | 33 20 Nov. 6, 1879 |
| To William H. Smyth, expenses on examination October 13 to 18, 1879..... | 38 20 Nov. 6, 1879 |
| To John A. McCall, Jr., expenses on examination October 13 to 18, 1879... | 57 70 Nov. 6, 1879 |
| To Isaac Vanderpool, expenses on examination October 16 to 18, 1879 | 19 10 Nov. 6, 1879 |

STATE OF NEW YORK, }
City and county of New York, } ss.:

Robert S. Hone, president and Duncan F. Curry, secretary of the Republic Fire Insurance Company, being duly sworn, depose and say, and each for himself says that they are the above described officers of the said company and the foregoing statement is true in every particular to the best of our knowledge and belief, respectively.

R. S. HONE,
President.
 D. F. CURRY,
Secretary.

Subscribed and sworn to before me, }
 this 20th day of April, 1880. }

EDWARD ROWELL,
Notary Public, City and County of New York.

ROCHESTER GERMAN INSURANCE COMPANY, }
ROCHESTER, N. Y., April 16, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—In answer to your circular letter of the 5th inst. would say that on May 27, 1876, we paid for examination of company, certificate, telegrams, etc., the sum of \$43.47 since which time no examination has been made by the New York State Insurance Department.

Very respectfully yours,

HENRY NORDEN,
Secretary.

RUTGERS FIRE INSURANCE COMPANY, }
NEW YORK, April 13, 1880. }

HON. CHARLES S. BAKER, Esq., *Chairman Insurance Committee :*

SIR—This company acknowledges receipt of printed copy of resolutions of the Assembly of 31st inst. relating to payments by Insurance Companies on account of examinations by the Superintendent of the Insurance Department of this State or in his behalf. In reply I have to state that no moneys have either been claimed or paid by this company within five years for any purposes within the scope of the resolutions above referred to. Do you require an affidavit to this effect, if so, will you be good enough to advise us?

Very respectfully, etc.,

J. F. HANFORD,
Secretary.

ST. NICHOLAS INSURANCE COMPANY, }
NEW YORK, April 13, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—I am in receipt of your circular of the 5th inst. and in reply inclose you copies of the only bills paid the Insurance Department during the past five years for examining this company.

I am very respectfully, your obedient servant,

J. J. SEARING,
Vice-President.

I would state that these examinations were made at our request when the company increased its capital stock.

J. J. SEARING,
Vice-President.

Sworn to before me, this }
13th day of April, 1880. }

JACOB DUBOIS,
Notary Public, New York county.

(Copy.)

INSURANCE DEPARTMENT, }
ALBANY, *July 19, 1875.* }

STATE OF NEW YORK INSURANCE DEPARTMENT TO JOHN A. Mc-
CALL, JR., *Dr.*

For expenses incurred on examination of the St. Nicholas Insurance
Company, of New York city from July 15th to 18th, inclusive.

| | |
|--|---------|
| Steamboat fare..... | \$8 00 |
| Hotel bill and supper and breakfast on boat..... | 17 50 |
| Coach, stage and car fare | 2 60 |
| | <hr/> |
| | \$28 10 |

Received payment,
J. A. McCALL, JR.

Correct.
W. SMYTH,
Deputy Superintendent.
A true copy.

J. J. SEARING,
Vice-President.

(Copy.)

INSURANCE DEPARTMENT, }
ALBANY, *September 10, 1875.* }

INSURANCE DEPARTMENT STATE OF NEW YORK TO J. A. McCALL
JR., *Dr.*

For expenses of Messrs. Vanderpool, Henry and McCall, on the 6, 7,
and 8th days of September 1875, on examination of the St. Nicholas
Insurance Company of New York city.

| | |
|---|---------|
| Hotel bills and lunches..... | \$23 50 |
| Railroad and sleeping car fare..... | 18 90 |
| Car and stage fare..... | 1 20 |
| Paid G. H. Henry, for services as commissioner..... | 10 00 |
| | <hr/> |
| | \$53 60 |

Received payment.
JOHN A. McCALL, JR.

Correct.
O. W. CHAPMAN,
Superintendent.
A true copy.

J. J. SEARING,
Vice-President.

STANDARD FIRE INSURANCE COMPANY, }
 NEW YORK April 13, 1880, }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—In reply to your circular note 5th inst. we beg to say that this company was examined five years since by New York Insurance Department and that no charge was made for such examination.

Respectfully,

R. H. MYERS,
Secretary.

STAR FIRE INSURANCE COMPANY, }
 NEW YORK, April 16, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR—We inclose sworn statement of amounts paid on account of examinations of this company since 1875, in conformity with the request contained in your circular letter of 5th inst.

Yours,

N. C. MILLER,
President.

STATE OF NEW YORK, }
City and County of New York. }

Nicholas C. Miller, president and James M. Hodges, secretary of the Star Fire Insurance Company, being duly sworn, depose and say, and each for himself says that they are the above described officers of the said company, that the amount of nineteen dollars (\$19) was on the sixteenth day of July 1878, paid to John A. McCall, Jr., for the proportion of expenses incurred in the examination of this company, that on the third day of February 1880, the sum of fifty-five forty one hundredths dollars and forty cents (\$55.40) was paid to said McCall in payment of expenses incurred in the examination of this company on the occasion of the increase of its capital that the copies of bills rendered annexed hereto are true and correct copies of the originals, and that during the five years last past no other fees or compensation have been paid to the Superintendent of the Insurance Department or any person connected with said department for any services except fees for filing charter and furnishing copies of documents required in the transaction of the business of the company for which the usual and customary fees have been paid.

N. C. MILLER,
President.

JAMES M. HODGES,
Secretary.

Subscribed and sworn to before me, }
 this 16th day of April, 1880. }

R. B. VALENTINE, JR.

Notary Public, Kings county, New York certificate filed in New York county.

Copy.

"A."

INSURANCE DEPARTMENT, {
ALBANY, *July 15, 1878.* }

INSURANCE DEPARTMENT STATE OF NEW YORK, To JOHN A. Mc-
CALL, JR., *Dr.*

For expenses incurred in New York city on the 26, 27, and 28th
days of June and the 11th day of July in examination of the Star and
Gebhard Insurance Companies of New York city.

| | |
|--|---------------------|
| Steamboat and state room fare to New York and return June 26, and June 28 | \$6 00 |
| To cover all actual and necessary expenses for hotel bills, telegrams, messengers, horse car, omnibus fare, etc., \$8.00 per day, four days..... | 32 00 |
| | <hr/> \$38 00 <hr/> |

Received payment,
Correct. (Signed) JOHN A. McCALL, JR.
(Signed) J. A. McCALL, JR.,
Deputy Superintendent.

Warrant No. 7490. Paid July 16, 1878. Check No. 5092.
Proportion charged to Star Fire Insurance Company, \$19.00.
Proportion charged to Gebhard Fire Insurance Company, \$19.00.

Copy.

"B."

In the examiner's fees.

Two inclosures.

INSURANCE DEPARTMENT, {
ALBANY, *February 3, 1880.* }

JAMES M. HODGES, Esq., *Secretary Star Fire Insurance Company No.*
141 Broadway, New York city, New York :

SIR—I inclose herewith copies bills of expenses incurred by ex-
aminers from this department on examination of company, as follows :

| | |
|--|---------------------|
| Bill of J. A. McCall, Jr., January 22d to 24th, inclusive | \$32 20 |
| Bill of S. M. Ballard, January 22d to 24th, inclusive..... | 23 20 |
| Total..... | <hr/> \$55 40 <hr/> |

Which amount please remit by check payable to order of superin-
tendent, said examiners have been paid the amounts of their respec-
tive bills by warrant of the comptroller upon the State treasurer.

Respectfully yours,
(Signed) J. A. McCALL, JR.
Deputy Superintendent.

Copy.

“C.”

ALBANY, *January 26, 1880.*

INSURANCE DEPARTMENT STATE OF NEW YORK, To S. M. BALLARD,
Dr.

To personal expenses in examination of the Star Fire Insurance Company, from July 22d to 24th, inclusive.

| | |
|---|----------------|
| January 22 and 24, to railroad fare to and from New York . | \$8 20 |
| January 22, 23 and 24, to cover hotel bills, car fare, etc..... | 15 00 |
| Total..... | <u>\$23 20</u> |

| | |
|-------------------------------|-------------------------|
| Correct. | Received payment, |
| | (Signed) S. M. BALLARD, |
| (Signed) JOHN A. McCALL, JR., | |
| Deputy Superintendent. | |

Copy.

ALBANY, *January 28, 1880.*

STATE OF NEW YORK INSURANCE DEPARTMENT, To JOHN A. Mc-
CALL, JR., *Dr.*

For expenses incurred January 22, 23, and 24th in the investigation of the Star Fire Insurance Company of New York city.

| | |
|--|----------------|
| Railroad and drawing room car fare to and from New York city | \$8 20 |
| To cover all expenses..... | 24 00 |
| | <u>\$32 20</u> |

| | |
|-------------------------------|------------------------------|
| Correct. | Received payment, |
| | (Signed) JOHN A. McCALL, JR. |
| (Signed) JOHN A. McCALL, JR., | |
| Deputy Superintendent. | |

Copy.

“D.”

INSURANCE DEPARTMENT, }
ALBANY, *July 23, 1880.* }

NICHOLAS C. MILLER, Esq., *President, Star Fire Insurance Company,*
161 Broadway, New York:

DEAR SIR—I inclose copy of bill of expenses incurred by Mr. J. A. McCall, Jr., Deputy Superintendent on examination of the Star

Fire Insurance Company and Gebhard Fire Insurance Company, June 26, 27 and 28, and July 11, 1878, for the purpose of merging the Gebhard with the Star Fire Insurance Company, amounting to \$38.

The proportion of said bill due from Star Fire Insurance Company, is \$19, which please remit by check payable to order of Deputy Superintendent.

The amount of said bill has been paid by warrant of comptroller upon the State Treasurer to Mr. McCall.

There is also due from your company to this department :

| | |
|---|--------|
| For three certificates of Superintendent as to merging said companies | \$6 00 |
| For one certified copy report of examination | 2 00 |
| | <hr/> |
| | \$8 00 |
| | <hr/> |

Which please also remit by check to order of Deputy Superintendent.

Yours very respectfully.

(Signed)

JOHN A. McCALL, JR.
Deputy Superintendent, per M. M. W.

OFFICE OF THE STERLING FIRE INSURANCE COMPANY, }
NEW YORK, April 21st, 1880. }

CHARLES S. BAKER, Esq., *Chairman Insurance Committee:*

SIR — Inclosed please find certificate of amount paid to Insurance Department for examinations during past five years, together with copies of bills.

Yours very respectfully,

J. K. VAN RENSSELAER,
Secretary.

NEW YORK, April 21st, 1880.

We, the undersigned, president and secretary of the Sterling Fire Insurance Company, do hereby certify that sixty-five dollars (\$65) is the full amount paid to the Insurance Department of the State for examinations made during the past five years.

A. L. SOULARD,

President.

J. K. VAN RENSSELAER,

Secretary.

Sworn to before me this 21st }
day of April, 1880. }

EDWARD ROWELL,

Notary Public, city and county of New York.

Copy.

ALBANY, June 30th, 1879.

INSURANCE DEPAR'T, STATE OF NEW YORK, To J. E. CROSS, Dr.

To personal expenses on examination of the Sterling Fire Insurance Company from June 27th to June 28th, 1879, inclusive, viz. :

| | |
|---|---------|
| To two days expenses in New York, at \$5..... | \$10 00 |
| Railroad drawing room fare to Albany..... | 4 10 |
| | <hr/> |
| | \$14 10 |
| | <hr/> |

Correct.
JOHN A. McCALL, JR.,
Deputy Superintendent.
Paid June 30th, 1879. Warrant No. 7028.

Received payment,
J. E. CROSS.

Copy.

ALBANY, June 30th, 1879.

INSURANCE DEPAR'T, STATE OF NEW YORK, To WM. H. SMYTH, *Dr.*

To personal expenses incurred on examination of the Sterling Fire Insurance Company of New York, June 27th, 1879, and June 28th, 1879, viz. :

| | |
|---|---------|
| June 28th. Railroad fare and drawing room car to Albany.. | \$4 10 |
| Two days expenses at \$5 per day..... | 10 00 |
| | <hr/> |
| | \$14 10 |
| | <hr/> |

Correct.
JOHN A. McCALL, JR.,
Deputy Superintendent.
Paid June 30th, 1879. Warrant No. 7025.

Received payment,
WILLIAM H. SMYTH.

Copy.

July 28th, 1879.

INSURANCE DEPARTMENT, STATE OF NEW YORK, To JOHN A. McCALL, JR., *Dr.*

For expenses incurred in the matter of the examination of the Sterling Fire Insurance Company of New York, from July 22d to July 26th :

| | |
|---|---------|
| Steamboat state room fare to New York..... | \$1 75 |
| Railroad and drawing room car fare from New York..... | 2 05 |
| For hotel bills, lunches, telegrams, omnibus and car fare.... | 20 00 |
| | <hr/> |
| | \$23 80 |
| | <hr/> |

Correct.
JOHN A. McCALL, JR.,
Deputy Superintendent.
Paid July 29, 1879. Warrant No 7546.

Received payment,
JOHN A. McCALL, JR.,

Copy.

ALBANY, June 30th, 1879.

INSURANCE DEPARTMENT. To S. M. BALLARD, *Dr.*

To personal expenses on examination of the Sterling Insurance Company from June 27th to June 28th, viz. :

| | |
|--|---------|
| June 27th and 28th. To cover hotel bill, lunches, &c... .. | \$10 00 |
| June 28th. Boat to Albany..... | 3 00 |
| | <hr/> |
| | \$13 00 |
| | <hr/> |

Correct. Received payment,
 JOHN A. McCall, Jr., S. M. BALLARD.
 Deputy Superintendent.
 Paid June 30th, 1879. Warrant No. 7027.

STUYVESANT FIRE INSURANCE COMPANY, }
 NEW YORK, April 13th, 1880. }

CHARLES S. BAKER, Esq., *Chairman Committee on Insurance:*

SIR— We have not paid to the Superintendent of the Insurance Department or any of his attaches, either directly or indirectly, any amount for or on account of the examination of this company during the last five years.

Yours, &c.,
 GEORGE B. RHOADS,
Secretary.

TRADESMEN'S FIRE, INSURANCE COMPANY, }
 NEW YORK, April 13th, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee of Assembly:*

SIR— We have your communication of the 5th inst., and have the honor to inclose copies of bills paid by this company to the Insurance Department of this State, being for an examination made in view of the increase of capital from \$150,000 to \$300,000, in March, 1879.

Very respectfully,

T. Y. BROWN,
Secretary.

ALBANY, N. Y., May 6th, 1879.

TRADESMEN'S FIRE INSURANCE COMPANY OF NEW YORK, To
 THE INSURANCE DEPARTMENT OF THE STATE OF NEW YORK, Dr.

1879.

| | |
|---|----------|
| April 14. To filing amended charter..... | \$30 00 |
| April 24. Copy amended charter and re-organization papers attached, for filing in county clerk's office..... | 6 50 |
| April 28. 1 copy charter and report of examination for Boston | 4 50 |
| May 3. 2 final certificates of Superintendent for filing.... | 4 00 |
| May 3. 10 copies of charter and final certificate..... | 35 00 |
| May 3. 10 copies with report of examination and final cer- tificate..... | 50 00 |
| May 5. 1 final certificate of Superintendent for Boston ... | 2 00 |
| | <hr/> |
| | \$132 00 |
| | <hr/> |

Received payment May 9, 1879.

JOHN F. SMYTH,
Superintendent.
 Per N. W. R.

Paid by Tradesmen's Insurance Company's check No. 5449, to order of Hon. John F. Smyth, on Mechanics and Traders' National Bank, dated May 8th, 1879, amount of (\$132) one hundred and thirty-two dollars.

T. Y. BROWN,
Secretary.

Copy.

INSURANCE DEPARTMENT, STATE OF NEW YORK, To Wm. H. SMYTH, *Dr.*

New York, 10th April, 1879.

To expenses incurred on examination of the Tradesmen's Fire Insurance company of New York, from March 31st to April 4th, 1879, inclusive, viz.:

| | |
|--|---------|
| March 31. Railroad fare, \$3.10; drawing room car \$1..... | \$4 10 |
| April 4. Railroad fare, drawing room car | 4 10 |
| Five days expenses at \$5 per day..... | 25 00 |
| | <hr/> |
| | \$33 20 |
| | <hr/> |

| | |
|--|-------------------|
| Correct. | Received payment, |
| JOHN A. McCALL, Jr., | WILLIAM H. SMYTH. |
| Deputy Superintendent. | |
| Paid April 11, 1879. Warrant No. 4843. | |

Paid May 8, 1880, by Tradesmen's Insurance Company's check No. 5450, on Mechanics and Traders' National Bank, N. Y., amount of one hundred and sixty-nine dollars, to order of Hon. John F. Smyth, Superintendent Insurance Department.

T. Y. BROWN,
Secretary.

Copy.

ALBANY, April 9th, 1879.

INSURANCE DEPAE'T, STATE OF NEW YORK, To JAMES E. CROSS, *Dr.*

To personal expenses incurred on the examination of the Tradesmen's Fire Insurance Company of New York, from March 31st to April 4th, 1879:

| | |
|---|---------|
| March 31. Railroad and drawing room car to New York.... | \$4 10 |
| April 4. Railroad and drawing room car to Albany..... | 4 10 |
| Five days expenses in New York at \$5..... | 25 00 |
| | <hr/> |
| | \$33 20 |
| | <hr/> |

| | |
|--|-------------------|
| Correct. | Received payment, |
| JOHN A. McCALL, JR., | JAMES E. CROSS. |
| Deputy Superintendent. | |
| Paid April 11th, 1879. Warrant No. 4843. | |

Copy.

ALBANY, April 21, 1879.

INSURANCE DEPARTMENT, To S. M. BALLARD, Dr.

To personal expenses incurred on the examination of the Tradesmen's Fire Insurance Company from April 14th to April 16th, inclusive, viz. :

| | |
|---|---------|
| April 14. To railroad and drawing room car fare to New York | \$4 10 |
| April 14 to 16, inclusive, three days' expenses, hotel, stage, car fare, lunches, &c..... | 15 00 |
| | <hr/> |
| | \$19 10 |
| | <hr/> |

| | |
|------------------------------------|-------------------|
| Correct. | Received Payment, |
| JOHN A. McCALL, | S. M. BALLARD. |
| Deputy Superintendent. | |
| Paid April 21, 1879. Warrant 5107. | |

Copy.

ALBANY, April 21, 1879.

INSURANCE DEPAR'T, STATE OF NEW YORK, To J. E. CROSS, Dr.

To personal expenses on the examination of the Tradesmen's Fire Insurance Company of New York, from April 14th to 16th, inclusive, viz. :

| | |
|---|---------|
| April 14, '79. To railroad and drawing room fare to New York | \$4 10 |
| April 16. To three days' expenses in New York, hotel bill, &c., at \$5 per day..... | 15 00 |
| | <hr/> |
| | \$19 10 |
| | <hr/> |

| | |
|------------------------------------|-------------------|
| Correct. | Received payment, |
| JOHN A. McCALL, JR., | J. E. CROSS. |
| Deputy Superintendent. | |
| Paid April 21, 1879. Warrant 5108. | |

Copy.

ALBANY, April 22, 1879.

INSURANCE DEPAR'T, STATE OF NEW YORK, To JOHN A. McCALL, JR., Dr.

For expenses incurred on the investigation of the Tradesmen's Fire Insurance Company of New York city :

| | |
|---|--------|
| April 14th and 15th from New York. Railroad and drawing room car to and | \$8 20 |
|---|--------|

To cover all actual and necessary expenses for hotel bills,
lunches, omnibus and carriage hire, telegrams, &c., \$8 per
day, two days \$16 00
\$24 20

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.
Paid April 23, 1879. Warrant 5301.

Received payment,
JOHN A. McCALL, JR.

(Copy.)

ALBANY, *April 4th*, 1879.

INSURANCE DEPARTMENT, STATE OF NEW YORK, To JOHN A.
McCALL, JR., *Dr.*

For expenses incurred in the matter of the investigation of the
Tradesmen's Insurance Company of New York city from March 31st
to April 3d:

Railroad and drawing room car fare to and from New York, \$8 20
To cover all actual and necessary expenses for hotel bills,
lunches, omnibus and car fare, etc., \$8 per day, four days.. 32 00
\$40 20

Correct.

JOHN A. McCALL, JR.,
Deputy Superintendent.
Paid April 5, 1879. Warrant No. 4603.

Received payment,
JOHN A. McCALL, JR.

UNION FIRE INSURANCE COMPANY, }
BUFFALO, N. Y., *April 15*, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly
Chamber, Albany, N. Y.:*

SIR—In response to your circular letter under date April 5th
inst., we beg leave to hand you inclosed affidavit containing statement
of amounts paid by this company for examinations, etc.

Yours very respectfully,

ALEX. MARTIN,
Secretary.

STATE OF NEW YORK, }
City of Buffalo, Erie county, } ss.:

Alexander Martin being duly sworn, does depose and say that he
resides in the city of Buffalo, that he is the secretary of the Union
Fire Insurance Company of Buffalo aforesaid, that the following are
the items paid by said company to insurance commissions, superinten-
dents, or State Insurance Departments, from the organization of said
company to date.

1874, July 2d.

Paid New York State Insurance Department, for examination on organization, organization papers, etc \$123 65

1875, February 20th.

Paid Ohio State Insurance Department for examinations, etc 85 88

1877, August 6th.

Paid Michigan State Insurance Department for examination. 50 00

ALEX. MARTIN.

Sworn and subscribed to before me, }
this 15th day of April, A. D. 1880. }

CHARLES J. CHRETIEN,
Notary Public in and for Erie county, N. Y.

OFFICE UNITED STATES FIRE INSURANCE COMPANY, }
NEW YORK, April 13, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—In compliance with your request, I beg to state that this company has not paid any thing, within the last five years, for or on account of any examination of its affairs by the direction of the Superintendent of the Insurance Department.

Very respectfully yours,

W. W. UNDERHILL,
Secretary, United States Fire Insurance Company.

Subscribed and affirmed to before me, }
this 13th day of April, 1880. }

R. B. VALENTINE, JR.,
Notary Public, Kings Co. N. Y. Certificate filed in New York Co.

WATERTOWN FIRE INSURANCE COMPANY, }
WATERTOWN, N. Y., April 15, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—Your circular of 5th asking amount paid New York Insurance Department, for examination of our company in the past five years at hand. In answer would say our examination was previous to December 1874, and but \$32.44 was charged. We have paid other states from time to time averaging say \$75, for examination, nearly each year of late and no very exorbitant charges have ever been made against our company.

With regards of yours truly,

J. M. ADAMS,
Secretary.

WESTCHESTER FIRE INSURANCE COMPANY, }
New York, April 16, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee* :

SIR—In response to your request for information as to amount paid by this company to the Insurance Department for expenses of examination, we reply that in June 1879, we paid the following viz.:

| | |
|---------------------------------------|----------|
| J. A. McCall, May 1 to June 6 | \$193 40 |
| S. M. Ballard, May 1 to June 6..... | 187 30 |
| J. E. Cross, May 1 to June 6 | 191 70 |
| W. H. Smyth, May 1 to May 29 | 112 50 |
| J. S. Paterson, May 26 to May 29..... | 27 00 |
| <hr/> | |
| Total..... | \$711 90 |
| <hr/> | |

Yours respectfully,
J. Q. UNDERHILL,
Secretary.

WILLIAMSBURGH CITY FIRE INSURANCE COMPANY, }
New York, April 13th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee* :

SIR—In compliance with Assembly resolution of 31st ult., we furnish the following information. On the 23d of June, 1875, we paid O. W. Chapman, Superintendent, the sum of sixteen and ninety-nine one hundredths dollars, in full for expenses of T. W. Larwood, as commissioner for examination of the company on January 25th and 26th, 1875, the items of expense being as follows, viz.:

| | |
|---|---------|
| Railroad fare, sleeping and drawing room car..... | \$8 45 |
| Lunch, stages and ferriage | 1 54 |
| Hotel, two days..... | 7 00 |
| <hr/> | |
| | \$16 99 |
| <hr/> | |

No charge made for services. The above covers all moneys paid by this company on account of examination by this State in the past five years.

Yours very truly,
N. W. MESEROLE,
Secretary.

OFFICE OF THE ATLANTIC MUTUAL INSURANCE COMPANY, }
New York, April 14th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly, Albany, N. Y.*:

SIR—Your inquiry addressed to this company under date of 5th April, instant, is received. In response thereto we have the honor to say that during the last five years no sum whatever has been paid by this company for, or on account of, any examination of the company by direction of the Superintendent of the Insurance Department.

This answer does not of course apply to the regular fee or charge levied for filing annual statements, and which has been promptly paid each year.

Very respectfully yours,

CHARLES DENNIS,
Vice-President.

COMMERCIAL MUTUAL INSURANCE COMPANY, }
NEW YORK, *April 13th, 1880.* }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — Your communication of 5th inst. is received. In reply, we beg to say, that this company has not been called upon to pay, nor has it paid, during the last five years, any sum for or on account of any examination by the Insurance Department.

Very respectfully,

W. I. COMES,
President.

OFFICE OF THE GREAT WESTERN INSURANCE COMPANY, }
NEW YORK, *April 13th, 1880.* }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR — In response to your circular of the 5th inst., asking for the sum paid for service in examination of this company, during the last five years, we beg to state that the company has not in that time paid any fees of any kind for any examination, the only moneys paid the Insurance Department being the annual fee for filing the company's statement, and for certificates of compliance, and for certified copies of our charter.

Yours respectfully,

WM. T. LOCKWOOD,
Secretary.

OFFICE OF THE NEW YORK MUTUAL INSURANCE CO., }
NEW YORK, *April 13th, 1880.* }

CHARLES S. BAKER, *Chairman Insurance Committee, Albany:*

SIR — In reply to your circular letter of 5th inst., we would state that the only payments made by this company to the Insurance Department have been \$20 each year for filing annual statement, for the past five years, and during that period no examination of this company has been called for.

Respectfully yours,

T. B. BLEECKER, JR.,
Vice-President.

OFFICE OF THE ORIENT MUTUAL INSURANCE COMPANY, }
NEW YORK, *April 13th, 1880.* }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany:*

SIR — We are favored with your communication of 5th inst. This company during the last five years has paid nothing for or on account of any examination by direction of the Superintendent of the Insurance Department.

Very respectfully yours,

CHARLES IRVING,
Secretary.

PACIFIC MUTUAL INSURANCE COMPANY, }
 NEW YORK, April 15th, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany*
N. Y.:

SIR—In reply to your printed communication would state that this company has not paid any fee for examination in past five years.

Yours respectfully,

WILLOUGHBY POWELL.

SUN MUTUAL INSURANCE COMPANY, }
 NEW YORK, April 13th, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany,*
N. Y.:

SIR—In reply to yours of 5th inst., we beg to say that this company has paid nothing during the last five years, for or on account of any examination of it by the direction of the Superintendent of the Insurance Department.

Very respectfully, your obedient servant,

J. P. PAULISON, *President.*

THE ORANGE COUNTY MUTUAL INSURANCE COMPANY, }
 GOSHEN, N. Y., April 14th, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly*
Chamber, Albany, N. Y.:

SIR—Your communication of the 5th inst. is received. The only payment made by this company to the Insurance Department during the last five years, excepting the statutory fee of twenty dollars for filing the annual statement of its affairs, was made Sept. 4th, 1875, by drafts to order of O. W. Chapman, for fifty-four and thirty-four one hundredths dollars. This payment was for the service of a committee of three (Messrs. Matthew H. Robertson and George C. Willis of Albany, and Mr. George W. Greene of Goshen) appointed July 30th, 1875, to examine into the condition of this company in view of the extension of its charter.

Yours most respectfully,

HENRY BACON, *President.*

DUDLEY MURRAY, *Secretary.*

STATE OF NEW YORK, }
County of Orange, } ss.

Henry Bacon and Dudley Murray, being duly and severally sworn, say, and each for himself says, that they are the president and secretary of the Orange County Mutual Insurance Company, respectively, and that the foregoing statement is true.

HENRY BACON,
 DUDLEY MURRAY.

Sworn to before me this 16th }
 day of April, 1880. }

FRANK J. EDWARDS, *Notary Public, Orange county.*

STATE OF NEW YORK, }
Dutchess county. } ss.:

George Wilkinson, president of the Dutchess County Mutual Insurance Company and Le Grand Dodge, the secretary and treasurer

of the same each being duly sworn doth each depose and say, that the said Dutchess County Mutual Insurance Company has not paid any moneys during the last five years for or on account of any examination of such Insurance Company by the direction of the Superintendent of the Insurance Department. And these deponents further say that during the year 1875, this company made an application for an extension of its charter and the superintendent sent two clerks to examine our condition for which services we paid the superintendent the sum of forty-six dollars and ninety-two cents on the 30th day of November, 1875.

G. W. WILKINSON.
L. G. DODGE.

Sworn to before me, this }
19th day of April, 1880. }

F. J. DAVIS,
Notary Public.

MUTUAL INSURANCE COMPANY, }
BUFFALO, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

I have the honor to report, that the Erie County Mutual Insurance Company of Buffalo, paid to the Superintendent of the Insurance Department on the 9th day of September, 1878, for expenses incurred by examiners from the Insurance Department :

| | |
|---|-------------|
| Expenses by T. W. Larwood from August 13 to 17, 1878, inclusive..... | \$39 80 |
| Expenses by M. H. Robertson from August 13 to 17, 1878, inclusive. | 39 80 |
| | <hr/> |
| | \$79 60 |
| | <hr/> <hr/> |

This is all the Erie County Mutual Insurance Company paid within the last five years, for or on account of any examination by the direction of the Superintendent of the Insurance Department.

Very respectfully yours,

JOSEPH TIMMERMAN,
Secretary.

Sworn and subscribed before me, }
this 13th day of April, 1880. }

CASPER L. DIESCHER,
Commissioner of Deeds for Buffalo.

GLEN COVE MUTUAL INSURANCE COMPANY, }
GLEN COVE, N. Y., April 19, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee:*

The amounts paid by the Glen Cove Mutual Insurance Company during the last five (5) years to the Superintendent of Insurance Department of State of New York are as follows :

| | |
|---|----------------|
| 1878 | |
| May 11, filing report (annual)..... | \$20 00 |
| May 11, bill of T. W. Larwood, copy of which is in- closed | 23 40 |
| 1879. | |
| January 24, filing report (annual)..... | 20 00 |
| 1880. | |
| January 10, filing report (annual)..... | 20 00 |
| Total..... | <u>\$83 40</u> |

(A true copy.)

W. M. WEEKS,
Assistant Secretary.

STATE OF NEW YORK, }
County of Queens, } ss.:

William M. Weeks; being duly sworn, deposes and says that he is the assistant secretary of the Glen Cove Mutual Insurance Company, and has been for the past five years, that the above statement is true to the best of his knowledge and belief.

W. M. WEEKS,
Assistant Secretary.

Sworn to before me, this }
20th day of April, 1880. }

LEONARD NICOLL,
Notary Public, Queens county.

INSURANCE DEPARTMENT, STATE OF NEW YORK, To T. W. LARWOOD, *Dr.*

To expenses incurred on examination of the Glen Cove Mutual Insurance Company, on the 2d, 3d and 4th days of May, viz.:

| | |
|------------------------------------|----------------|
| Fare from Albany to Glen Cove..... | \$3 80 |
| Fare from Glen Cove to Albany..... | 4 60 |
| Three days' expenses at \$5..... | 15 00 |
| | <u>\$23 40</u> |

ALBANY, May 6, 1878.
Approved.

JOHN F. SMYTH,
Superintendent.

Received payment,
T. W. LARWOOD.

Paid May 6, 1878, warrant No. 6001.

OFFICE MUTUAL INSURANCE COMPANY, }
ALBANY, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee:*

SIR—In reply to circular of the Honorable the Assembly of April 5, 1880 (received this date), we have to say this company have not during the time specified, been examined by the Insurance Department, and have the honor to be.

Your obedient servant,

GEO. N. CUYLER,
Secretary.

STATE OF NEW YORK }
City and County of Albany. } ss.:

George N. Cuyler, of the city and county as aforesaid, being duly sworn, says he is the secretary of the Mutual Insurance Company of the city and county of Albany, that he executed the foregoing communication to Hon. Charles S. Baker, that the same is true and correct in all respects.

GEO. N. CUYLER,
Secretary.

Sworn and subscribed before me, this }
13th day of April, A. D. 1880. }

H. L. WASHBURN, JR.
Commissioner of Deeds.

STATE OF NEW YORK, }
County of Richmond, } ss.:

TO CHARLES S. BAKER, *Chairman of Insurance Committee of the House of Assembly of the State of New York:*

I, Henry B. Metcalf, the Secretary of the Richmond County Mutual Insurance Company, located in the county of Richmond aforesaid, do in pursuance of the requirements of the resolution of the Assembly of the State of New York, of the 31st of March, 1880, in reference to payments made by insurance companies to the Insurance Department, respectfully report that I have examined the books and accounts of the said Richmond County Mutual Insurance Company for the period designated in said resolution, and do find and report that on the 22d day of December, 1875, said company paid to O. W. Chapman, State Superintendent, the sum of \$34.95, to wit: For expenses of L. W. Larwood, E. P. Barton and T. W. Goddard, commissioners, etc., for examining the affairs of said company on their application to have said company re-organized, \$24.95; and for re-organization papers, \$9.50, making the above sum of \$34.95; that said company has since that date paid to the Superintendent of the Insurance Department the following sums, namely: January 21, 1878, the sum of \$20; January 13, 1879, the sum of \$20; January 14, 1880, the sum \$20, which said three several payments were transmitted to the Superintendent of the Insurance Department with their annual reports to said department, for said year, and that no other or further payments have been made by said company for or on account of any examination of said company, by the direction of the Superintendent of the In-

H. B. METCALF,
Secretary.

STATE OF NEW YORK, }
Richmond County, } ss. :

Henry B. Metcalf of said county, being duly sworn, doth depose and say that he is and has been for upwards of five years last past, the Secretary of the Richmond County Mutual Insurance Company, located in said county of Richmond, and that the statement above made by him as such secretary, is to the best of his knowledge and belief, correct in every respect.

H. B. METCALF.

Sworn this 14th day of April, }
A. D. 1880, before me. }

CROWELL M. CONNER,
Notary Public, Richmond county, N. Y.

SUFFOLK COUNTY MUTUAL INSURANCE COMPANY, }
PECONIC, N. Y., April 15th, 1880. }

To the Hon. CHARLES S. BAKER, Chairman of Insurance Committee:

SIR — In answer to yours of the 5th inst., relating to payments on account of examinations made by the direction of the Superintendent, etc., I will answer that this company has paid nothing for examinations within the past five years. We have been required to pay yearly \$20, sent with our annual report, for what purpose I am not able to say.

Respectfully yours,
FRANKLIN H. OVERTON,
Secretary.

BROOKLYN LIFE INSURANCE COMPANY, }
NEW YORK, April 27th, 1880. }

Hon. CHARLES S. BAKER, Chairman of the Assembly Insurance Committee, Albany, N. Y.:

SIR — Your printed favor of the 5th inst., inclosing the resolutions “adopted by the Assembly on the 34st ulto.,” was received on the 13th inst., during an absence of the writer from the city. The communication was consequently filed to await his return, and the period allotted for reply was inadvertently overlooked. Hoping this will explain the unintentional delay, we beg to submit herewith the information required:

1st. This company was examined by the State Department in the months of June, July and August, 1878.

2d. The following amounts were paid “as per warrants of the Comptroller upon State Treasurer” for “expenses incurred” by the parties named, in the examination in person of all the books, accounts, papers, and affairs of this company:

| | | | |
|--|-------|-------|----------------|
| John A. McCall, Jr., Deputy Superintendent and chief examiner: | | | |
| July 29th to Aug. 16th, 1878, inclusive | ..... | \$141 | 00 |
| Aug. 19th to “ 23d, “ “ | ..... | 48 | 00 |
| | | | <hr/> \$189 00 |

John Davis, examiner :

June 24th to June 29th, 1878..... \$36 00

B. Van Voast, examiner :

June 24th to June 29th, 1878..... 36 00

Isaac Vanderpool, examiner :

Aug. 12th to Aug. 17th, 1878, inclusive..... \$34 50

“ 19th “ “ 24th, “ “ 34 10

68 60

S. M. Ballard, examiner..... 59 20

D. H. Kiefer, actuary 58 00

3d. The following amount was paid for examination of deeds, abstracts of title, mortgages, etc. :

To Braun & Tomlinson, attorneys, one-eighth of one per cent. upon total value of \$973,884.94, represented in papers examined..... \$1,217 00

4th. The following amounts were paid for appraisals of properties mortgaged to and belonging to the company :

W. C. Lambier, appraiser..... \$1,094 25

Thomas Murphy..... 1,094 25

\$2,188 50

Being for appraisals of 209 parcels in the cities of New York and Brooklyn.

J. L. Newton, Norwich, Chenango county, being for appraisals of 31 parcels..... \$78 21

To various parties for appraisals in Wayne county, N. Y., Richmond county, N. Y. and at Flatbush, N. Y..... 32 00

To various parties for appraisals in New Jersey 14 00

Respectfully submitted,

W. M. COLE,
President.
WM. DUTCHER,
Secretary.

STATE OF NEW YORK, }
County of New York, } ss.

Personally appeared before me, a notary public, duly commissioned, William M. Cole, President, and William Dutcher, Secretary, of the Brooklyn Life Insurance Company of New York, to me known, and known to me to be the persons above subscribed, and being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and the above statements are true, according to the best of their information, knowledge and belief, respectively.

W. M. COLE,
WM. DUTCHER.

Subscribed and sworn to before me, }
this 27th day of April, 1880. }

FREDERICK S. EADE,
Notary Public, Kings county. Certificate filed in New York.

THE EQUITABLE LIFE ASSURANCE SOCIETY, }
New York, April 19th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR— We herewith transmit our report in response to the requisition sent to us under date April 15th, 1880.

Respectfully, your obedient servant,
JAMES W. ALEXANDER,
Vice-President.

Report of amounts paid by the Equitable Life Assurance Society of the United States during the last five years, for or on account of any examination of the said society by the direction of the Superintendent of the Insurance Department. This report is made in pursuance of the requisition of the Hon. Charles S. Baker, Chairman Insurance Committee of the Assembly of the Legislature of the State of New York, dated April 5th, 1880. There has been but one examination of the Equitable Life Assurance Society by the Insurance Department during the last five years, namely, in the spring of 1877. The following are the only amounts paid by said society for such examination :

| | |
|--|-----------------|
| Bill of expenses incurred by the Superintendent, Deputy Superintendent, and assistant examiners (details entered upon the voucher) | \$887 10 |
| Ten (10) copies of report of examination | 25 00 |
| Certified copy of report of examination | 1 00 |
| Total | <u>\$913 10</u> |

Simultaneously with the official examination, the affairs of the said society were examined by a committee of the society's policy holders and independent citizens. This committee employed appraisers to value all the property owned or loaned upon by the society. The Superintendent of the Insurance Department accepted these valuations for the purposes of his department, and did not require the same services to be repeated. All of which is respectfully submitted.

JAMES W. ALEXANDER,
Vice-President.

New York, April 16th, 1880.

CITY AND COUNTY OF NEW YORK, ss.:

James W. Alexander, being duly sworn, says that the foregoing report, signed by him, is true, to the best of his knowledge, information and belief.

JAMES W. ALEXANDER.

Sworn to before me this 17th }
day of April, 1880. }

REYNOLDS TEXTOR,
Notary Public.

GERMANIA LIFE INSURANCE COMPANY, }
New York, April 14, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — We beg to hand you herewith, in accordance with your request of the 5th inst., the specified statement of payments of this company on account of examination, called for by the resolution of the Assembly, passed 31 ulto. To this we would add the statement that at about the time of our examination, a valuation of the real estate owned by and mortgaged to the company was made by order of our board of directors by Mr. William Laimbeer, whose bill therefor was \$34.15 which we paid. His conclusions were accepted by the Superintendent of the Insurance Department as part of the latter's report on the examination of the company.

Very respectfully yours,
C. DOREMUS,
Secretary.

Report

Of the total sum paid by the *Germania Life Insurance Company*, of the city, county and State of New York, during the last five years, for or on account of examination of said company, by direction of the Superintendent of the Insurance Department.

1878.

| | |
|--|---------|
| June 15, John D. Paterson, examination at company's office | \$76 40 |
| June 15, S. M. Ballard, examination at company's office .. | 76 40 |
| June 15, W. H. Smyth, examination at company's office .. | 76 40 |
| July 5, John G. Clifford, examination at company's office. | 73 80 |
| Aug. 9, John A. McCall, examination at company's office . | 176 00 |

1879.

| | |
|---|----------|
| July 10, Harris & Rudd, examination of mortgages held by the company and the abstracts of titles thereto. Paid on judgment of the court at Albany | 3,608 03 |
|---|----------|

Total amount \$4,087 03

STATE OF NEW YORK, }
City and County of New York. } ss.:

C. DOREMUS.
Secretary.

Subscribed and sworn to before me, }
this 14th day of April, 1880. }

OTTO GUDEN,
Notary Public, Kings county.

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—In accordance with your favor of the 5th inst., covering resolutions adopted by the Assembly, we hand you herewith a statement of the amount claimed and paid to the several persons named therein, for or on account of the examination of this company during the last five years.

Yours respectfully,
JOSEPH P. HOLBROOK,
Secretary.

Expenses incurred in examination of Home Life Insurance Company by the Insurance Department, State of New York, during the year 1878.

| | |
|---|---------|
| July 19, James E. Tibbetts, fares and ten days' expenses, and paid for examination of the books and papers of the company..... | \$62 00 |
| July 19, James E. Spier, fares and ten days' expenses and paid for examination of the books and papers of the company | 62 00 |
| Aug. 10, S. M. Ballard, fares and ten days' expenses and paid for examination of the books and papers of the company..... | 62 30 |
| Oct. 23, S. M. Ballard, fares and fourteen days' expenses and paid for examination of the books and papers of the company..... | 9 46 |
| Aug. 10, George T. Harvey, fares and ten days' expenses and paid for examination of the books and papers of the company..... | 59 00 |
| Oct. 23, W. H. Smyth, fares and ten days' expenses and paid for examination of the books and papers of the company..... | 66 40 |
| Oct. 23, J. A. McCall, Jr., fares and eleven days' expenses and paid for examination of the books and papers of the company..... | 76 30 |
| Nov. 1, J. A. McCall, Jr., fares and four days' expenses and paid for examination of the books and papers of the company | 47 10 |
| Aug. 3, William Laimbeer, examining and appraising one hundred and sixty-four pieces of property owned by or mortgaged to Home Life Insurance Company, (additional for examination of one piece of property \$10).... | 830 00 |
| Aug. 3, James Ramsey, examining and appraising one hundred and sixty-four pieces of property owned by or mortgaged to Home Life Insurance Company..... | 820 00 |

| | |
|---|-------------------|
| Nov. 20, A. W. Lowery, examining titles of property owned by and mortgaged to Home Life Insurance Company | \$805 00 |
| Total | <u>\$2,984 70</u> |

GEORGE RIPLEY,
President.
JOSEPH P. HOLBROOK,
Secretary.

STATE AND COUNTY }
OF NEW YORK, } ss.:

George C. Ripley, president and Joseph P. Holbrook, secretary of the Home Life Insurance Company, being duly sworn, depose and say and each for himself says that the foregoing is a full, true and correct statement of the amount claimed and paid to the several persons named respectively for services rendered in the examination of said company made by the direction of the Superintendent of the Insurance Department during the last five years.

Sworn to this 15th day of {
April, A. D., 1880. }

PETER CONDON
Notary Public, New York county.

HOMOEOPATHIC MUTUAL LIFE INSURANCE COMPANY, }
NEW YORK, April 14, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee of the Assembly, State of New York, Albany:*

SIR—We received your circular letter of the 5th inst., embodying the resolutions of the Assembly, on 13th inst., and in reply thereto, herein hand you list of items paid by this company as called for by said resolutions, and remain yours,

Very respectfully,

FRANK B. MAYHEW,
Secretary.

List of amounts paid for or on account of examinations by the direction of the Superintendent of the Insurance Department.

1877.

| | |
|---|---------|
| Dec. 5, paid superintendent, expense of W. H. Smyth, examiner | \$76 40 |
| Dec. 5, paid superintendent, expense of S. M. Ballard, examiner | 59 10 |

1878.

| | |
|--|--------|
| Jan. 19. paid Harris & Rudd, examining titles | 455 80 |
| Jan. 31, paid superintendent expense of Thomas Costigan. | 6 00 |

| | |
|--|-------------------|
| Jan. 31, paid superintendent expense of William H. Taylor. | \$6 00 |
| Feb. 1, paid William Laimbeer and Thomas Murphy, appraisers of real estate | 500 00 |
| Feb. 13, paid superintendent expense of S. M. Ballard | 59 10 |
| Mar. 6, paid superintendent, expense of J. A. McCall, Jr., deputy superintendent | 96 40 |
| Aug. 20, paid State treasurer, expenses of examination of Deputy Superintendent McCall | 19 50 |
| Sept. 9, paid superintendent, expense of L. Bradford Prince, appraiser | 10 00 |
| Total | <u>\$1,288 30</u> |

The total of above items, being twelve hundred and eighty-eight dollars and thirty cents, and in each case, the company has paid the amount of the original bill rendered.

E. M. KELLOGG,
President.
FRANK B. MAYHEW,
Secretary.

STATE OF NEW YORK }
City and County of New York, } ss.:

E. W. Kellogg, president and Frank B. Mayhew, secretary of the Homœopathic Mutual Life Insurance Company of New York city, being each duly sworn, depose and say that all of the foregoing statements are true to the best of their knowledge and belief.

Subscribed and sworn to before me, }
this 14th day of April, 1880. }

W. H. LEONARD,
Notary Public Kings county, certified in New York county.

THE MANHATTAN LIFE INSURANCE COMPANY, }
New York, April 14, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—Your favor 5th inst., came to hand yesterday, with copy of the resolutions adopted by the Assembly on the 31st ultimo. The total sum paid by the Manhattan Life Insurance Company during the last five years for or on account of any examination of said company by the direction of the Superintendent of the Insurance Department is \$6,693.16. The items of the kind of service for which payment was made, the amount paid to each person who claimed compensation and the amount claimed by each of said persons was as follows:

Counsel fee on examination and certifying to the validity, title, etc., of (305) three hundred and five mortgages amounting to \$4,309,848.24 and counsel fee on examination of titles and certifying the abstracts of twenty-four parcels of real estate valued at \$741,641.12 owned by the Manhattan Life Insurance Company, paid to Harris & Rudd, being the amount claimed \$6,314 36

| | |
|---|----------|
| Personal expenses on examination of the Manhattan Life Insurance Company from October 1, 1877, to October 19, 1877, inclusive, railroad fares \$24.60, seventeen days expenses \$85, paid to S. M. Ballard, being the amount claimed..... | \$109 60 |
| Personal expenses on examination of the Manhattan Life Insurance Company from October 1, to October 19, 1877, inclusive, railroad fares \$24.60 seventeen days expenses \$85, paid to William H. Smyth, being the amount claimed | 109 60 |
| Expenses incurred in New York city from October 23 to November 2, and from November 26 to November 28, 1877, while engaged in examination of Manhattan Life Insurance Company to cover all actual disbursements for hotel bills, lunches, omnibus and horse car fares, carriage hire, telegrams, messengers, etc., thirteen days at \$8 per day \$104.00 railroad fare, etc., to New York and return \$24.60 paid to John A. McCall, Jr., being the amount claimed. | 128 60 |
| Expenses incurred on business of Insurance Department with the Universal Life Insurance Company and the Manhattan Life Insurance Company, steamboat fares \$7.00 three days expenses June 10 to 12, 1879, \$15, paid one-half to William H. Smyth, being one-half the joint bill..... | 11 00 |
| Services and expenses two days about thirty-six miles travel appraising property in Haverstraw, N. Y., November 14, 1877, paid to Henry E. Abell, being the amount claimed. | 20 00 |

No money has been paid by this company except as above stated, to any person or persons acting for the Insurance Department or under its authority.

HENRY STOKES,
President.

J. L. HALSEY,
Secretary.

Subscribed and sworn to before me, this }
19th day of April, A. D. 1880. }

W. P. RHODES, JR.
Notary Public, Kings county, New York. Certificate filed in New York county.

METROPOLITAN LIFE INSURANCE COMPANY, }
NEW YORK, April 27, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR—We owe you a very generous apology, which we beg to tender herewith, for having omitted to promptly respond to your communication of 5th inst., calling upon us for a statement of the sums paid on account of examination during the last five years. The day the re-

quest was received, we handed it over to our accountant for the facts, but he has been pressed day and night with work and unintentionally overlooked it until to-day. Will you kindly excuse the delay, and believe us.

Very truly yours,
JOHN R. HEGEMAN.
Vice-President.

Statement of the amounts paid by the Metropolitan Life Insurance Company, of New York, "during the last five years," for or on account of the examination of said company, by direction of the Superintendent of the Insurance Department of New York.

| | |
|--|----------|
| From Dec. 4, 1877, to March 6, 1878, paid John A. McCall, Jr., deputy superintendent, for expenses | \$156 50 |
| From Dec. 4, 1877, to March 6, 1878, paid Seymour Ballard, examiner for expenses..... | 180 50 |
| From Dec. 4, 1877, to March 6, 1878, paid W. H. Smyth, examiner for expenses | 47 30 |
| From Dec. 4, 1877, to March 6, 1878, paid William H. Taylor, examiner for expenses | 13 20 |
| From Dec. 4, 1877, to March 6, 1878, paid Thomas Costigan, examiner for expenses | 10 20 |
| | <hr/> |
| | \$407 70 |

| | |
|---|------------|
| November 21, 1877, paid Harris & Rudd, for examining titles of mortgages amounting to \$466,600.00, and examining real estate owned, \$293,165 82..... | 1,899 40 |
| January 7, 1878, paid Murphy & Laimbier, for estimating values of property in New York and Brooklyn amounting to between \$1,700,000 and \$1,800,000..... | 2,175 00 |
| | <hr/> |
| Total..... | \$4,482 10 |

CITY AND COUNTY }
OF NEW YORK, } ss.:

Joseph F. Knapp, president, and John R. Hegeman, vice-president, being severally duly sworn, say that the foregoing is a correct statement.

JOSEPH F. KNAPP,
President.
JOHN R. HEGEMAN,
Vice-President.

Sworn to before me this }
27th day of April, 1880. }
JOHN B. PINE,
Notary Public, New York county.

MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, }
 NEW YORK, April 13th, 1880. }

HON. CHARLES S. BAKER, *Chairman of the Insurance Committee,
 Assembly Chamber, Albany, N. Y.:*

SIR — We are this day in receipt of your circular dated April 5th, 1880, addressed to the secretary of this company in the following words: "On the 31st ultimo the following resolutions were adopted by the Assembly, viz.:

"*Resolved*, That the Committee on Insurance of the Assembly be and is hereby directed to ascertain and report to this body within twenty days, the total sum paid respectively by each insurance company of this State during the last five years, for or on account of any examination of such insurance company by the direction of the Superintendent of the Insurance Department, said report to state in items the kind of service for which payment was made, the amount paid to each person who claimed compensation and the amount claimed by each of said persons; also,

"*Resolved*, That the said Committee on Insurance shall have power to send for persons and papers, if it shall deem such action necessary, and that it shall require all reports made to it by each of the insurance companies to be attested by the oaths of the officers making the returns.

"Will you be kind enough at your earliest possible convenience to furnish me the information required by the resolution.

"Very respectfully yours,

"CHARLES S. BAKER,

"*Chairman Insurance Committee.*"

In response to your request we take leave to say that in the months of January and February, 1877, this company was examined by the Hon. William Smyth, then Acting Superintendent of the Insurance Department of the State of New York, as appears by the following extract from the annual report of the Superintendent made to the Legislature of this State, dated March 19th, 1877:

"ALBANY, February 2, 1877.

"*To the Editors of the Evening Journal:*

"GENTLEMEN — Having caused a thorough personal examination to be made of the condition and affairs of the Mutual Life Insurance Company of New York, during the month of January, by the Hon. John A. McCall, Jr., Deputy Superintendent, in which examination the Acting Superintendent has also personally participated, I deem it for the public interest that the results of said investigation should be published. I therefore enclose the same for publication.

"Yours very respectfully,

"WILLIAM SMYTH,

"*Acting Superintendent.*"

“ ALBANY, *February 1st, 1877.*

“ HON. WILLIAM SMYTH, *Acting Superintendent, New York Insurance Department :*

“ In accordance with instructions received from you under appointment No. 363, I report the completion of the examination into the affairs of the Mutual Life Insurance Company of New York. Made at a time when the annual investigation by the trustees — as called for by the company’s charter — was in progress, the work was considerably facilitated by each department representative acting with one of the said trustees, thus giving a double force, with a check that was invaluable as to the correctness of the labor performed.

“ The valuations of the policies in force have been made in the Department under the supervision of Mr. D. H. Keefer, our actuary, and have occupied his attention with that of the rest of our actuarial force not engaged in New York.

“ The investments of the company with other admissible assets make a total of \$82,076,706.87.

“ That the company has been successfully managed is everywhere conceded ; and it is very necessary that the custodians of this sacred trust fund should be men eminently competent to guard zealously the moneys that in the future afford the protection guaranteed by contracts with the holders of ninety-two thousand one hundred and twenty-five policies.

“ The company does not need any other endorsement by the Department than is shown in the assets and liabilities enumerated below, exhibiting a surplus as regards policy-holders of \$10,262,879.44.

“ A schedule giving in detail the information necessary for valuations of property, verification of title, etc., of each of the seven thousand one hundred and fifty-six (7156) mortgages had been compiled, and with a list of uncollected and deferred premiums is now on file in the Department.”

The following was the condition of the company on December 31, 1876 :

I. ASSETS.

| | | | |
|---|--------------|-----------------|-----------------|
| Real estate. | | | \$4,246,245 40 |
| Bonds and mortgages.... | | | 60,856,200 18 |
| Stocks, bonds, etc., owned by the Company. | Par value. | Market value | |
| E. S. bonds, registered | \$7,478,550 | \$7,907,840 62 | |
| N. Y. City bonds, registered..... | 2,406,000 | 2,412,587 50 | |
| Boston Water bonds, registered... | 500,000 | 556,250 00 | |
| Providence, R. I., bonds, registered..... | 500,000 | 537,500 00 | |
| Cherry Valley town bonds | 50,000 | 50,000 00 | |
| City of Yonkers bonds..... | 118,000 | 128,250 00 | |
| Buffalo city bonds..... | 140,500 | 145,417 50 | |
| Elmira city bonds..... | 58,000 | 57,485 00 | |
| Missouri State bonds | 215,000 | 225,025 00 | |
| San Francisco bonds..... | 560,000 | 637,528 71 | |
| Union Co., N. J., bonds | 14,000 | 14,735 00 | |
| Plainfield, N. J., bonds | 1,500 | 1,500 00 | |
| | \$12,063,550 | \$12,673,569 38 | \$12,673,569 38 |
| Cash in banks and trust companies..... | | | 2,188,001 73 |
| Interest due and accrued..... | | | 1,823,294 16 |
| Net uncollected and deferred premiums... | | | 795,896 07 |
| Total admitted assets..... | | | \$82,076,706 87 |

II. LIABILITIES.

| | |
|--|-----------------|
| Net value of outstanding policies and additions..... | \$71,031,205 00 |
| Unpaid losses and endowments not yet due..... | 758,250 00 |
| Premiums paid in advance..... | 24,372 43 |
| Total liabilities..... | \$71,813,827 43 |
| Surplus as regards policy holders..... | 10,262,879 44 |
| Aggregate..... | \$82,076,706 87 |

All of which is respectfully submitted.

JOHN A. McCALL JR.,
Deputy Superintendent.

The Superintendent in person was present during the examination of the United States securities, bonds and mortgages, and other stocks and bonds owned by the company, and took part in said examination. He desires to join with his deputy in assuring the public that the system of management and accuracy of detail, as well as the checks and individual responsibilities imposed on each person who has any thing to do with the loaning or investing the funds of the company, command his most hearty approval. The president and all other officers of the company were most prompt and courteous in affording every information; while so perfect is the organization of each department, that any special item required was at once furnished with all its necessary and satisfactory vouchers. This will account for the fact that a corporation of such vast magnitude and importance could be fully and satisfactorily examined in a few weeks, which under ordinary circumstances would have taken as many months.

WILLIAM SMYTH,
Acting Superintendent.

The bills paid in connection with such examination are on file as vouchers in the office of this company and copies of the same are herewith given:

(Copy bill.)

"ALBANY, January 12, 1877.

INSURANCE DEPARTMENT, STATE OF NEW YORK, To WILLIAM SMYTH, *Dr.*

To cash paid for actual expenses necessarily incurred by the acting Superintendent; as such, travelling to and from New York superintending the examination of the Mutual Life Insurance Company, Jan. 8, 9 and 10, 1877.

| | |
|--|---------|
| Fare to and from New York, drawing-room car..... | \$8 20 |
| Hotel bills | 10 00 |
| Street cars and lunches | 2 60 |
| Total..... | \$20 80 |

Received payment,
"Correct. WILLIAM SMYTH."
WILLIAM SMYTH, Acting Supt. Ins. Dep't."

(Copy Bill.)

“NEW YORK, *January 25, 1877.*

INSURANCE DEPARTMENT, To WILLIAM H. SMYTH, *Dr.*

To personal expenses on examination of the Mutual Life Insurance Company, from Jan. 8th, to Jan. 20th, 1877, inclusive.

| | |
|------------------------------------|---------|
| Railroad fare..... | \$12 40 |
| Sleeping and drawing-room car..... | 4 35 |
| Hotel bills | 44 25 |
| Stage fare and portorage..... | 7 45 |
| | <hr/> |
| | \$68 45 |

Received payment,
WILLIAM H. SMYTH.”

“Correct.
W. SMYTH, *Acting Supt. Ins. Dept.*”

(Copy Bill.)

“NEW YORK, *January 25, 1877.*

NEW YORK STATE INSURANCE DEPARTMENT, To GEORGE C. WILLIS, *Dr.*

To personal expenses on examination of the Mutual Life Insurance Co., from Jan. 8th to Jan. 20th, 1877, both days inclusive.

| | |
|--|---------|
| Railroad fare | \$12 40 |
| Sleeping and drawing-room car fare..... | 4 35 |
| Insurance tickets and porter on cars | 1 05 |
| Hotel bills and lunches | 50 65 |
| Stage and car fare..... | 2 63 |
| Porterage | 1 75 |
| | <hr/> |
| | \$72 83 |

Received payment.
GEORGE T. WILLIS.”

“Correct.
W. SMYTH, *Acting Supt. Ins. Dept.*”

(Copy Bill.)

NEW YORK, *January 31, 1877.*

INSURANCE DEPARTMENT, To S. M. BALLARD, *Dr.*

To personal expenses examination of the Mutual Life Insurance Company from January 6th to January 25th, 1877, viz.:

| | |
|--|---------|
| To board..... | \$34 00 |
| Ferry, stage and car fares, laundry and lunches..... | 9 25 |
| | <hr/> |
| Total..... | \$43 25 |

Correct.
W. SMYTH,
Acting Superintendent Insurance Department.

Received payment,
S. M. BALLARD.

(Copy Bill.)

ALBANY, *February 7, 1877.*INSURANCE DEPARTMENT, STATE OF NEW YORK, To JOHN A. McCALL, JR., *Dr.*

For expenses while engaged in examining Mutual Life Insurance Company of New York, from January 6th to January 28th, 1877:

| | |
|---|----------|
| Hotel bills and lunches..... | \$117 42 |
| Railroad drawing-room fare to New York and return (six times)..... | 26 10 |
| Telegrams, portorage, etc..... | 4 85 |
| Omnibus, car and carriage fare..... | 6 40 |
| | <hr/> |
| | \$154 77 |

Correct.

WILLIAM SMITH,

Acting Superintendent Insurance Department.

Received payment,

JOHN A. McCALL, JR.

(Copy Bill.)

ALBANY, *February 15, 1877.*INSURANCE DEPARTMENT, STATE OF NEW YORK, To WILLIAM SMYTH, *Dr.*

To cash paid for actual expenses necessarily incurred by the Acting Superintendent] as such travelling to and from New York, superintending the examination of the Mutual Life Insurance Company of New York, from January 15th to 17th, inclusive:

| | |
|--|---------|
| Fare to and from New York and drawing-room car.... | \$8 20 |
| Hotel bill..... | 10 00 |
| Street cars and lunches..... | 1 75 |
| | <hr/> |
| | \$19 95 |

Correct.

W. SMITH,

Acting Superintendent.

Received payment,

W. SMYTH.

(Copy.)

ALBANY, *February 15, 1877.*R. A. McCURDY, Esq., *Vice-president Mutual Life Insurance Company, New York:*

DEAR SIR — I enclose herewith bills of items of expense incurred by myself, my deputy and assistants on the recent examination of your company by this department, amounting to \$380.05, which amount please remit by check payable to order of Acting Superintendent.

Bills enclosed, as follows:

| | |
|---|-----------------|
| William Smyth, from January 8 to 10, 1877..... | \$20 80 |
| William Smyth, from January 15 to 17, 1877..... | 19 95 |
| J. A. McCall, Jr., from January 6 to 28, 1877. | 154 77 |
| S. M. Ballard, from January 6 to 25, 1877..... | 43 25 |
| William H. Smyth, from January 8 to 20, 1877..... | 68 45 |
| George C. Willis, from January 8 to 20, 1877..... | 72 83 |
| Total..... | <u>\$380 05</u> |

Paid February 16, 1877.

Yours respectfully,
W. SMYTH,
Acting Superintendent.

The amount paid to each person was the amount of his bill as stated, and as shown by the following receipt from the Acting Superintendent.

No sum or sums other than those paid as evidenced by said receipt, were claimed by any person on account of service which was performed during said examination:

ALBANY, February 17, 1877.

ISAAC F. LLOYD, Esq., *Secretary Mutual Life Insurance Company, 144 Broadway, New York:*

SIR—Yours of the 16th instant is received, inclosing check for \$380.05 in payment of expenses incurred by this department on examination of your company from January 6th to 28th, ult., as follows :

| | |
|--|-----------------|
| Expenses of John A. McCall, Jr., deputy superintendent.. | \$154 77 |
| Expenses of S. M. Ballard, commissioner..... | 43 25 |
| Expenses of William H. Smyth, commissioner..... | 68 45 |
| Expenses of George C. Willis, commissioner..... | 72 83 |
| Expenses of William Smyth, acting superintendent | 40 75 |
| | <u>\$380 05</u> |

Copies of each bill of items having been heretofore furnished your company as required by statute,

Yours with respect,
WILLIAM SMYTH,
Acting Superintendent.

No other sum or sums have been claimed of or paid by this company for or on account of any examination made by or under the direction of the Superintendent of the Insurance Department of this State during the last five years. All of which is respectfully submitted.

F. S. WINSTON,
President.

CITY AND COUNTY }
OF NEW YORK, } ss. :

Frederick S. Winston, being duly sworn, deposes and says that he is the President of the Mutual Life Insurance Company of New York;

that the matters set forth in the foregoing answer to the letter of the Chairman of the Insurance Committee of the Assembly of this State, are true of his own knowledge, except as to those matters which are therein stated upon information and belief, and that as to those matters he believes them to be true.

F. S. WINSTON, *President.*

Sworn to this 13th day of April, {
A. D., 1880, before me. }

WILLIAM G. DAVIS,
Notary Public.

NEW YORK LIFE INSURANCE COMPANY, {
NEW YORK, April 13th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y. :*

SIR — We are this day in receipt of your favor of 5th inst., enclosing a resolution adopted by the Assembly, to wit:

“ *Resolved*, That the Committee on Insurance of the Assembly be, and is hereby directed to ascertain and report to this body within twenty days the total sum paid respectively by each insurance company of this State, during the last five years, for or on account of any examination of such insurance company by the direction of the Superintendent of the Insurance Department, said report to state in items the kind of services for which payment was made, the amount paid to each person who claimed compensation, and the amount claimed by each of said persons.”

And asking us to furnish you the information required by said resolution. In answer we have the honor to annex hereto a schedule containing full information upon all the points required :

| | |
|--|-------------|
| Paid Waldo, Tobey and Grover, for examination of titles, | \$24,870 53 |
| Paid William Laimbeer, Appraiser..... | 5,000 00 |
| Paid Insurance Department, for expenses of W. H. Smyth, from June 11th to June 17th, '77; John Davis, from June 18th to June 23d, and from June 25th to June 30th; and S. M. Ballard, from June 11th to July 8th, '77..... | 264 70 |
| Paid Insurance Department, expenses incurred by J. A. McCall, Jr., Deputy Superintendent, from Oct. 1st to Oct. 6th, and from Oct. 8th to Oct. 12th, '77; and Thomas Costigan, from June 11th to Aug. 6th, '77.. | 121 65 |
| Paid Insurance Department, for expenses of S. M. Ballard, from July 9th to Aug. 8th, '77..... | 158 50 |
| Paid A. C. Churchill, Appraiser | 11 00 |
| Paid Samuel S. Edick, Appraiser | 20 00 |
| Paid John VanVoorhees, Appraiser..... | 200 00 |
| Paid H. L. Duguid, Appraiser..... | 67 57 |
| Paid H. A. Wadsworth, Appraiser..... | 10 00 |
| Paid W. H. Townsend, Appraiser..... | 25 00 |
| Paid G. H. Henry, Appraiser..... | 730 00 |
| Paid I. V. Baker, Appraiser..... | 4 24 |
| Paid Wm. L. Bostwick, Appraiser..... | 5 00 |

| | |
|---|----------|
| Paid David Williams, Appraiser..... | \$350 00 |
| Paid W. W. Rockwell, Appraiser..... | 13 00 |
| Paid Joseph Barrett, Appraiser..... | 230 00 |
| Paid F. W. Prince, Appraiser..... | 7 00 |
| Paid John Rowland, Appraiser..... | 50 00 |
| Paid L. Bradford Prince, Appraiser..... | 435 00 |
| Paid C. H. Thomson, Appraiser..... | 15 00 |
| Paid Richard Crowley, Appraiser..... | 60 00 |
| Paid W. B. Woodin, Appraiser..... | 14 50 |
| Paid T. C. Platt, Appraiser..... | 21 70 |
| Paid John A. Place, Appraiser..... | 50 00 |
| Paid John B. Avery, Appraiser..... | 23 92 |
| Paid Walter L. Sessions, Appraiser..... | 123 60 |
| Paid Oliver Bourke, Appraiser..... | 10 00 |
| Paid Warren Granger, Appraiser..... | 175 00 |
| Paid W. H. Daniels, Appraiser..... | 15 15 |
| Paid James S. Coon, Appraiser..... | 15 00 |
| Paid John B. Clute, Appraiser..... | 31 30 |
| Paid E. A. Carpenter, Appraiser..... | 23 10 |
| Paid James S. Thurston, Appraiser..... | 110 00 |
| Paid Charles R. Skinner, Appraiser..... | 35 00 |
| Paid G. Robertson, Jr., Appraiser..... | 20 00 |
| Paid Hull Fanton, Appraiser..... | 10 00 |

The amounts paid to the above parties were the same amounts claimed by each of said parties, with the following exceptions:

G. H. Henry, appraiser for New Jersey, original bill \$1,460, objected to by the company and returned to the department for revision. The insurance department reduced it to \$730, which amount was satisfactory to the company and the amount paid.

John B. Clute, appraiser, original bill \$46.30, reduced by insurance department to \$31.30, and so paid.

Waldo, Tobey and Grover, examiners of abstracts of titles for all property mortgaged to or owned by the company, original bill \$26,780, reduced by the insurance department to \$24,870.53, which was the amount paid.

C. M. Dennison, Utica, rendered bill for \$229 for appraisal of property at that point. The amount having been deemed disproportionate to the services rendered, the bill was returned to the department with our objections, and as yet has not been again presented.

Yours truly,

THEODORE M. BANTA,

Cashier.

STATE OF NEW YORK, }
County of New York, } ss.:

On the 14th day of April, in the year 1880, before me, personally, came Theodore M. Banta to me, known to be the person who signed the foregoing document, who being duly sworn, deposes and says that he is the cashier of the New York Life Insurance Company, and that the foregoing schedule of items is a true and complete statement of the information required by the resolution herein referred to.

WILLIAM MENZIES ADAMS,

Notary Public, Kings county. Certificate filed in New York.

PROVIDENT SAVINGS LIFE ASSURANCE SOCIETY, }
 NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—In compliance with the resolutions adopted by the Assembly on the 31st ulto., embodied in your circular letter of the 5th inst., I beg to inform you that this society has made no payment for an examination by order of the Superintendent of the Insurance Department.

Very respectfully yours,

WILLIAM E. STEVENS.

Secretary.

THE UNITED STATES LIFE INSURANCE COMPANY, }
 NEW YORK, April 13th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR—In compliance with your request, we inclose herewith copy of bill containing all expenditures on account of the examination of this company by the Insurance Department in 1876, being all that has been paid during the last five years, as called for in the resolution incorporated in your circular, dated 5th inst.

Yours respectfully,

A. WHEELWRIGHT,

Asst. Sec'y.

(Copy.)

ALBANY, Dec. 11th, 1876.

UNITED STATES LIFE INSURANCE COMPANY OF NEW YORK, To THE
 INSURANCE DEPARTMENT OF THE STATE OF NEW YORK, *Dr.*

| | |
|---|-----------------|
| To expense of commissioners J. A. McCall, Jr., and Seymour M. Ballard, on examination of company from Nov. 12th to 25th, 1876 | \$123 62 |
| To bill of N. W. Nutting, Oswego, examining title and reporting value of property mortgaged to company as collateral in Oswego county | 75 00 |
| To bill of Marcy and Strickland, appraisers, valuing real estate owned by company in New York city. | 42 25 |
| Total | <u>\$240 87</u> |

Copies of items of said bills furnished company.

Received payment December 11, 1876.

(Signed),

WILLIAM SMYTH,

Acting Superintendent.

Per M. H. R.

No. 134.]95

WASHINGTON LIFE INSURANCE COMPANY,
NEW YORK, April 14th, 1880. }
HON. CHARLES S. BAKER, Chairman of Insurance Committee, Assembly
Chamber, Albany, N. Y:

SIR — In answer to yours of the 5th, received yesterday, we hand you herewith copies of all bills paid by this company to the Insurance Department of this State, for the examination made in December, 1876, and January, 1877, duly certified under oath as required. Any further information will be cheerfully furnished.

Yours very truly,
W. HAXTUN,
Secretary.

(Copy Bill.)

INSURANCE DEPARTMENT,
ALBANY, January 12, 1877. }
INSURANCE DEPARTMENT STATE OF NEW YORK, To WILLIAM SMITH,
Dr.

To cash paid for actual expenses necessarily incurred by the Acting Superintendent, as such, travelling to and from New York, superintending the examination of the Washington Life Insurance Company, January 4, 5 and 6, 1877.

| | |
|---|----------------|
| Fare to and from New York and drawing-room car..... | \$8 20 |
| Hotel bills..... | 10 00 |
| Street cars and lunches..... | 2 55 |
| Total..... | <u>\$20 75</u> |

Received payment,
WILLIAM SMYTH.
Correct.
WM. SMYTH,
Acting Superintendent.

INSURANCE DEPARTMENT,
ALBANY, February 17, 1877. }
W. HAXTUN, Esq., Secretary Washington Life Insurance Company
155 Broadway, New York.

DEAR SIR — Yours of the 16th instant is received, enclosing check for \$20.75, in payment of expense incurred by Acting Superintendent on examination of your Company from January 4th to 6th, 1877.

Yours with respect,
(Signed) WILLIAM SMYTH,
Acting Superintendent.
Per A. W. R.

(Copy)

INSURANCE DEPARTMENT, STATE OF NEW YORK, To GEORGE C
WILLIS, Dr.
NEW YORK, January 17, 1877.

To personal expenses on examination of the Washington Life Insurance Company, from December 26th, 1876, to January 6, 1877, both days inclusive.

| | |
|---|---------|
| Railroad and drawing-room car fare..... | \$16 40 |
| Hotel bills..... | 31 20 |
| Lunches, portorage and stage fare..... | 9 64 |
| | <hr/> |
| | \$57 24 |
| | <hr/> |

Correct.

Received payment,
 (Signed) GEORGE C. WILLIS.
 JOHN A. McCALL, JR.,
Deputy Superintendent.

Paid January 23, 1877. Warrant 2123. Pt.

(Copy.)

NEW YORK, *January 18, 1877.*INSURANCE DEPARTMENT, To WILLIAM H. SMYTH, *Dr.*

To personal expenses on examination of the Washington Life Insurance Company, from December 26th, 1876, to January 6th, 1877, inclusive.

| | |
|---|---------|
| Railroad and drawing room car fare..... | \$16 40 |
| Hotel bills..... | 29 95 |
| Lunches, stage fare and portorage..... | 9 25 |
| | <hr/> |
| | \$55 60 |
| | <hr/> |

Correct.

Received payment,
 J. A. McCALL, JR., WM. H. SMYTH.
Deputy Superintendent.

Paid January 23, 1877. Warrant 2123. Pt.

(Copy.)

NEW YORK, *January 19, 1877.*INSURANCE DEPARTMENT, To S. M. BALLARD,, *Dr.*

To personal expenses on examination of the Washington Life Insurance Company, from December 26th, 1876, to January 6, 1877, inclusive.

| | |
|--|---------|
| To railroad fare including drawing-room car..... | \$12 30 |
| To hotel and board bill.. | 24 90 |
| To lunches, car, ferry and stage fares, etc..... | 10 85 |
| | <hr/> |
| | \$48 05 |
| | <hr/> |

Correct.

Received payment,
 JOHN A. McCALL, JR., S. M. BALLARD.
Deputy Superintendent.

Paid January 23, 1877. Warrant 2123. Pt.

For expenses incurred from Dec. 25th, 1876, to Jan. 7th, 1877, on examination in N. Y. city of the Washington Life Ins Co.

| | |
|---|---------|
| Railroad and drawing-room car fare, twice to New York and return..... | \$16 40 |
| Hotel bills | 56 00 |
| Lunches, \$5.70 ; telegrams, \$2.40; portorage, \$1.25.... | 9 35 |
| Carriage, car and omnibus fare..... | 6 20 |
| | <hr/> |
| | \$87 95 |
| | <hr/> |

Received payment,

Correct.

JOHN A McCALL, JR.

W. SMYTH,

Acting Superintendent Insurance Department.

Paid Jan. 23, 1877. Warrant 2,124. |

STATE OF NEW YORK,

City and County of New York, } ss.:

Persoaally appeared before me this 14th day of April, 1880, William A. Brewer, president, and Wm. Haxtun, secretary of the Washington Life Insurance Company, to me known, who make oath that the above papers are true, full and exact copies of all bills paid to the Insurance Department of the State of New York for the examination of the said company in December, 1876 and January, 1877.

W. A. BREWER,

President.

W. HAXTUN,

Secretary.

Sworn to this 14th day of {

April, 1880. }

THOMAS TIERNEY.

Notary Public, Kings county, New York, certificate filed in New York county.

NEW YORK, 19th April, 1880.

HON. CHARLES S. BAKER, Chairman Insurance Committee of the Assembly, Albany, N. Y.:

SIR — In response to resolution of the Honorable the Assembly, offered by the Hon. Mr. Skinner, and passed the 31st day of March, 1880, the Knickerbocker Life Insurance Company answers as follows :

Paid Thomas Murphy and Tunis V. P. Talmage for expenses, examinations and appraisals of real estate, owned by or held under mortgage by this company, and situate in the counties of New York, Kings, Queens, Suffolk and Richmond, in the State of New York, and in the State of New Jersey, aggregating

\$3,100,000. \$5,500 00

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| | |
|--|-------------------|
| Paid Hon. W. W. Rockwell for expenses, examinations and appraisals of property in Essex county, New York | \$25 00 |
| Paid M. Sowles for expenses, examinations and appraisals of property in Clinton county, New York..... | 100 00 |
| Paid expenses and charges of Deputy Superintendent and clerical force of the department, engaged in the examination of the company, as approved by the Comptroller | 782 40 |
| Paid Harris & Rudd for services in examination of titles, etc., of property owned by or mortgaged to the company, in all 307 titles..... | <u>\$3,070 00</u> |

No other amount was paid or claimed by any party than those specified above.

JOHN A. NICHOLS,
President.
GEO. S. GRIFFIN,
Secretary.

Subscribed and sworn to before me, }
this 22d day of April, 1880. }

E. D. FORLEY,

Notary Public, Kings County, certificate filed in New York county.

NEW YORK LIFE INSURANCE AND TRUST COMPANY, }
NEW YORK, April 13th, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — In reply to your printed circular of the 5th instant, we beg to inform you that nothing has been paid by this company during the last five years, to the Insurance Department for, or on account of, any examination of this company, by the direction of the Superintendent of that Department, inasmuch as no such examination has been had during that period.

Respectfully yours,
HENRY PARISH,
President.

THE WESTERN NEW YORK LIFE INSURANCE COMPANY, }
BATAVIA, April 15th, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR — Your circular letter of the 5th instant is received. Enclosed please find affidavit giving information requested.

Yours respectfully,
C. H. HOWARD,
Secretary.

STATE OF NEW YORK, }
County of Genesee. } ss.:

Charles H. Howard, being duly sworn, deposes and says, that he is

Secretary of The Western New York Life Insurance Company, that the total sum paid during the past five years for, or on account of examination of said company, by direction of the Superintendent of the Insurance Department, is fourteen dollars and seventy-two cents (\$14.72), and that this item was for traveling expenses of John A. McCall, Jr.

CHARLES H. HOWARD.

Subscribed and sworn to before me, }
this 15th day of April, 1880. }

SAFFORD E. NORTH, *Notary Public.*

STATEMENT of amounts paid during the last five years, for and on account of examination of Universal Life Insurance Company, by direction of the Insurance Department.

| To whom paid. | Kind of service. | Amount paid. | Total. |
|-------------------------|--|--------------|-------------|
| Moran English & Wolf. | Attorneys fees, searches and examining title on real estate..... | | \$300 00 |
| H. L. Duguid..... | Appraisal on real estate | | 100 00 |
| Harris & Rudd... .. | Searches of title of real estate..... | | 2,398 96 |
| Grubb & Williams..... | Appraisal of real estate..... | | 100 00 |
| Laimbeer & Coleman.. | Appraisal of real estate..... | | 1,000 00 |
| T. C. Platt..... | Appraisal of real estate..... | | 1,236 53 |
| Attorney-General..... | Disbursements..... | | 480 00 |
| S. W. Rosendale..... | Attorney fees, assisting Attorney-General, etc | | 2,500 00 |
| Jno. P. Wakeman..... | Appraisal of real estate..... | | 344 00 |
| Geo. C. Willis.... | Traveling expenses..... | \$31 70 | |
| do | Services..... | 100 00 | |
| | | | 181 70 |
| S. M. Ballard | Traveling expenses..... | \$68 60 | |
| do | Services | 230 00 | |
| | | | 298 60 |
| W. H. Smyth..... | Traveling expenses..... | \$27 40 | |
| do | Services..... | 60 00 | |
| | | | 87 40 |
| Jno. A. McCall, Jr..... | Disbursements | | 154 36 |
| T. Costigan..... | Services..... | \$525 00 | |
| do | Lunches | 89 60 | |
| | | | 564 60 |
| Geo. L. Edick..... | Services | | 475 00 |
| E. T. Hughes..... | Services..... | | 2,336 00 |
| Total..... | | | \$12,505 18 |

Dated New York, April 16th, 1880.

S. S. HERRICK,
President, pro tem.

JAS. F. R. HADDEN,
Secretary, pro tem.

To CHARLES S. BAKER, Esq., Chairman Insurance Committee, Assembly:

STATE OF NEW YORK, }
City and County of New York, } ss.:

Stephen S. Herrick and James F. R. Hadden, being severally duly sworn, say that the former is the president pro tem., and the latter is the secretary pro tem. of the Universal Life Insurance Company, and

each for himself says that the foregoing statement or return is true to the best of his knowledge, information and belief.

S. S. HERRICK,
JAS. F. R. HADDEN.

Subscribed and sworn to before me }
this 16th day of April, 1880. }

SIDNEY WARD,
Notary Public, Kings and N. Y. Cos.

KNICKERBOCKER CASUALTY INS. CO., }
NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman of Insurance Committee, Albany N. Y.:*

SIR — Your circular letter of the 5th of April inst. just received. We inclose you herewith a true statement of the expenses paid by this company for or on account of all examinations made of this company by the direction of the Insurance Department during the last five years.

Trusting we have thus given you the information desired, we remain,

Yours very respectfully,
LYMAN W. BRIGGS, *Vice-President.*

EXPENSES OF EXAMINATION OF KNICKERBOCKER CASUALTY INS. CO.
1879.

| | | |
|----------|---------------------------------|----------------------|
| Dec. 18. | Paid bill of Wm. H. Smyth | \$28 20 |
| " 18. | " S. M. Ballard | 28 20 |
| " 18. | " J. E. Cross | 28 20 |
| 26. | " John A. McCall, Jr | 40 20 |
| | | <hr/> \$124 80 <hr/> |

STATE OF NEW YORK, }
City and County of New York. } ss.:

Lyman W. Briggs being duly sworn, deposes and says, that he is the vice-president of the Knickerbocker Casualty Insurance Company of New York, and that the expenses paid by this company for or on account of all examinations made of this company by the direction of the Insurance Department during the last five years, amounts to one hundred and twenty-four dollars and eighty cents, in form and manner as above set forth.

LYMAN W. BRIGGS.

Sworn to before me, this }
13th day of April, 1880. }

JOHN H. DOUGHERTY, *Notary Public, Kings Co., N. Y.*

THE METROPOLITAN PLATE GLASS INS. CO. OF NEW YORK, }
NEW YORK CITY, April 15, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — I have the honor to acknowledge the receipt of your circular of 5th inst., calling upon "each insurance company of this State

during the last five years for or on account of any examination," and "by direction of the Insurance Department," to state kind of service for "which payment was made," etc., etc.

In response, I beg to submit the inclosed as a compliance with your request, and beg to also add, that the examination of our company was in accordance with our expressed desire, and that the charges are for a most thorough and detailed examination of our affairs, the cost of which we consider fair and reasonable for the time and faithfulness of the Deputy Superintendent of Insurance, and his most able assistants.

I am, very truly yours,
H. HARTWELL.

ALBANY, *November 29th*, 1879.

INSURANCE DEPARTMENT, To W. H. SMYTH, *Dr.*

To expenses on examination of the Metropolitan Plate Glass Insurance Company of New York, Nov. 21st and 22d, viz.:

| | |
|--|----------------|
| Nov. 22. Railroad fare and drawing room car to Albany... | \$4 10 |
| Two days expenses at \$5 per day | 10 00 |
| Total | <u>\$14 10</u> |

| | |
|-------------------------------|------------------------|
| Correct. | Received payment, |
| (Signed) JOHN A. McCALL, JR., | (Signed) WM. H. SMYTH. |
| Deputy Superintendent. | |

ALBANY, *December 10th*, 1879.

INSURANCE DEPARTMENT, STATE OF NEW YORK, To JOHN A. McCALL, JR., *Dr.*

For expenses, incurred in New York City from Dec. 1st to Dec. 4th in the matter of the investigation of the Metropolitan Plate Glass Insurance Company of New York:

| | |
|--|----------------|
| Railroad and sleeping car fare from Albany..... | \$5 60 |
| To cover all actual and necessary expenses for hotel bills, lunches, telegrams, omnibus and car fare, etc..... | 32 00 |
| | <u>\$37 60</u> |

| | |
|-------------------------------|------------------------------|
| Correct. | Received payment, |
| (Signed) JOHN A. McCALL, JR., | (Signed) JOHN A. McCALL, JR. |
| Deputy Superintendent. | |

ALBANY, *December 15th*, 1879.

INSURANCE DEPARTMENT, To J. E. CROSS, *Dr.*

To personal expenses on examination of the Metropolitan Plate Glass Insurance Company, from Nov. 21st to Nov. 26th, '79, viz.:

| | |
|--|---------|
| Nov. 26. To railroad and drawing room car to Albany..... | \$4 10 |
| Nov. 26. 'To five days' expenses at \$5..... | 25 00 |
| | <hr/> |
| | \$29 10 |
| | <hr/> |

Correct. Received payment,
(Signed) JOHN A. McCALL, JR., (Signed) J. E. CROSS.
Deputy Superintendent.

ALBANY, *December 16th*, 1879.

INSURANCE DEPARTMENT, To S. M. BALLARD, *Dr.*

To personal expenses on examination of the Metropolitan Plate Glass Insurance Company, from Nov. 24th to 26th, viz.:

| | |
|---|---------|
| Nov. 26. To railroad fare to Albany with drawing room car, | \$4 10 |
| Nov. 24-26. To cover hotel bills, lunches, car fare, etc..... | 15 00 |
| | <hr/> |
| | \$19 10 |
| | <hr/> |

Correct. Received payment,
(Signed) JOHN A. McCALL, JR., (Signed) S. M. BALLARD.
Deputy Superintendent.

NEW YORK, *December 17th*, 1879.

THE METROPOLITAN PLATE GLASS INSURANCE COMPANY, To
GILBERT S. KING, *Dr.*

| | |
|--|---------|
| To appraising stock of salvage glass and making detailed report of same to Superintendent of Insurance..... | \$25 00 |
| James Swan's bill for handling glass..... | 11 28 |
| | <hr/> |
| | \$36 28 |
| | <hr/> |

Received payment,
Dec. 17th, 1879. GILBERT S. KING.

RECAPITULATION.

| | |
|--|----------|
| 1879. | |
| Nov. 29. Paid Wm. H. Smyth..... | \$14 10 |
| Dec. 10. Paid John A. McCall, Jr..... | 37 60 |
| Dec. 15. Paid J. E. Cross..... | 29 10 |
| Dec. 16. Paid S. M. Ballard..... | 19 10 |
| Dec. 17. Examination and measurement of glass, by order of the Insurance Department | 36 28 |
| | <hr/> |
| Total..... | \$136 18 |
| | <hr/> |

STATE, CITY AND COUNTY }
OF NEW YORK, } ss. :

Henry Harteau, being duly sworn, deposes and says that the foregoing is a true and correct copy of amount paid the Insurance De-

partment for examination of the Metropolitan Plate Glass Insurance Company of New York, per vouchers on file in the office of said Metropolitan Plate Glass Insurance Company, and further deposes and says that he is President of said company, and has been since its organization.

HENRY HARTEAU.

Subscribed and sworn to before me this }
15th day of April, A. D. 1880. }

JOHN H. TAYLOR,

Notary Public, Kings county, certificate filed in New York county.

NEW YORK, April 20, 1880.

Hon. CHARLES S. BAKER, *Chairman Assembly Insurance Committee :*

SIR—In reply to the several points covered by your inquiry, I beg to say that the date of my appointment as receiver of the Eclectic Life Insurance Company was September 13th, 1873, by interlocutory order, and January 29, 1874, by final judgment dissolving the company.

The name of the receiver is Philo T. Ruggles.

The judge who made both the order and judgment was Hon. Charles P. Daly, Chief Judge of the Court.

The appraised value of the assets by the company was \$244,196.39. (See Report of Ins. for 1874).

The appraised value by me was \$2,511.31, besides \$100,000—\$101,472.50 on deposit with the Superintendent of the Insurance Department, but only a part of this fund ever came to my hands.

The money realized by me from the assets which came to my hands was \$6,257.64, including \$3,472.50, which was the amount of certain bonds delivered to me out of the funds in Insurance Department as a special receiver, appointed in a separate proceeding in the Supreme Court in 1873.

This sum thus received was disbursed by me in a special proceeding in the defense of actions on policies in this and other states of the United States.

I have no moneys now in my hands.

On the contrary, I have advanced some \$683.93 of my own funds to bring about the determination of the policy holders' rights in this case.

I have no moneys on deposit anywhere, or at any rate of interest.

There have been no dividends.

The total expenditures of my receivership that is so far incurred or disbursed by me have been \$6,863.06.

The items of such expenditures are as follows: (a) For clerk to Thomas R. Lewis, J. N. Sewall, and other expenses, \$1,610.56. (b) For legal expenses, \$1,780.00, besides the \$3,472.50, above specified.

The \$3,472.50 received from the Insurance Department in 1873-4, was disbursed by me in pursuance of the report of a referee in Supreme Court, which report was afterward duly confirmed by the court in 1874, the object thereof being to defend the company against suits on policies which are alleged to be fraudulent, and which, if valid, were claims on the fund in the Insurance Department.

The schedule attached to the said report is as follows:

The persons to whom such moneys were paid appear in last above item.

The purpose of each payment also appears by said item.

The fees paid to me are as follows: (1) \$1,000 as hereinafter stated, and \$173.62 out of the \$3,472.50.

I beg further to submit to you that, with the exception of \$1,577.47 realized by me from office fixtures and a few other insignificant items, and \$1,050 from interest, the entire assets of said company consisted of the deposit in the insurance department, \$100,000.00 — \$101,472.50. This sum was invested in three bonds and mortgages.

I instituted proceedings to obtain possession of this fund, to the end that the money might be called in and preserved for the policy holders.

The mortgagors were then ready and able to pay. Indeed one of them did pay interest as above indicated.

My efforts to obtain and conserve this fund were defeated in the Court of Appeals. (See *Ruggles v. Chapman*, 59 N. Y.) I then procured the passage of ch. 337, laws 1875, for the same purpose, and renewed my efforts.

The result of that attempt was another failure in the Court of Appeals. (See the People *ex rel* *Ruggles v. Chapman*, N. Y.)

In the meantime the Superintendent of Insurance Department (Mr. Chapman) placed three mortgages in the hands of the Attorney-General (Pratt) for foreclosure.

Nothing was done during his term.

The next Attorney-General (Fairchild) commenced the suits. There was a delay of nearly a year before the parties were in court. Defences which, in my judgement, were of a purely dilatory character were interposed. One of them was tried, and the defense was instantly overruled. Some money was realized on this mortgage.

The other two cases dragged all through Mr. Fairchild's term, and all through the succeeding term (Mr. Schoonmaker's), practically without any action.

The two mortgages have remained thus far during a fourth term (Mr. Ward's), practically without action, as I am informed.

The result of all these delays has been that the real estate has depreciated to such an extent that the one mortgage which went to judgment realized not quite 33 1-3 per cent of its face. Interest being wholly lost.

I fear that same will prove true of the others. Besides that, the bondsmen are practically worthless.

I have repeatedly offered to furnish counsel at my own private expense to each of the preceding Attorney-Generals if they would suffer me to press these foreclosure suits, and permit me to aid them in pressing these suits. But in every instance the offer has been quite ignored.

There is no doubt but that those mortgages could have been foreclosed and the property turned into money within six months at any time, provided anything like diligence had been exercised, and that such effort would doubtless have saved something on the bonds.

In the meantime there was nothing for me to do except to defend the company against pending suits, and at my own expense, for I had

no money belonging to the company with which to do it; to carry on the proceedings to ascertain the rights of the policy holders in that fund, leaving the distribution to be made as soon as the Attorney-General should realize the money and pay it to the Superintendent.

These rights were ascertained and declared by final judgment entered in Court of Common Pleas, March 14, 1878, over two years ago. With that my duties ended.

Subsequently a question arose in the Insurance Department, if this final decree was binding. He made application for instructions in October last to the Supreme Court.

On the 17th day of January, 1880, that Court, by its order, advised the Superintendent to obey that decree, and the disbursements of the expenses thereunder will appear by the Superintendent's report.

The only moneys paid to me under it were \$1,000, besides the return of \$664.47, which represents the moneys which I had advanced more than six years before, and which were then returned to me without interest.

All of which is respectfully submitted.

PHILO T. RUGGLES,

Dated NEW YORK, *April 20th*, 1881.

Receiver.

The following documents, numbered from 1 to 19, inclusive, are all the reports made by Receivers of insolvent fire insurance companies to the committee, and are arranged in the same order as mentioned in Exhibit "A" annexed to the committee's report:

(1)

ÆTNA INSURANCE COMPANY OF NEW YORK, }
NEW YORK, *April 13th*, 1880. }

HON. CHARLES S. BAKER, *Chairman, etc., Assembly Chamber, Albany, N. Y.:*

SIR — I have the honor to acknowledge the receipt of your favor of 5th inst., requesting certain information which I shall hasten to furnish on the return of my counsel, who is temporarily absent to the city. Your letter has only just reached me.

Yours respectfully,

F. A. CONKLING,

Receiver.

NEW YORK, *April 24th*, 1880.

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — I have the honor to hand you herein enclosed a statement in writing containing the information called for in your circular letter of 5th inst.

Yours respectfully,

F. A. CONKLING,

Receiver.

Statement of F. A. Conkling, Receiver of the Ætna Insurance Company of New York, in compliance with the resolution of the Assembly, passed April 5th, 1880, and the request of Hon. Charles S. Baker, Chairman Insurance Committee of the Assembly:

Date of appointment, October 16, 1879.

Name of Receiver, F. A. Conkling, appointed by Hon. Charles P. Daly..

Appraised value of said assets as made by said Receiver. \$434,000 00

Amount realized by the Receiver by the conversion of the assets \$446,258 23

Amount in his hands or on deposit \$4,204 03

No amount on deposit on interest.

Amount of unearned premiums paid to policy-holders, by order of court..... 63,017 95

Amount paid attorneys in the action of Allen vs. Ætna, in which Receiver was appointed as per final decree..... 2,602 00

Amount paid by order of court as dividends on adjusted claims under policies..... 307,990 59

Per cent of dividends, fifty per cent.

Amount paid Receiver's general counsel... 6,000 00

Amount paid for taxes 1,344 30

Amount paid for internal revenue..... 84 45

Amount paid Receiver's attorney..... 4,000 00

Amount paid for rent..... 11,114 58

Amount paid for advertising, by order of court 1,115 46

Amount paid counsel for creditors, by order of court 2,600 00

Amount paid for clerk hire 12,533 90

Amount paid for commissions on premiums to agents..... 1,218 96

Amount paid sundry referees' fees and costs, by order of court 2,239 48

Amount paid Receiver, per order of court.. 22,312 91

Amount paid for stationery, printing, postage, express charges, telegrams, notary's fees, janitor, exchange, Insurance Department fees, stenographer, etc..... 2,829 62

Amount paid attorneys at LaPorte, Ind.... 1,050 00

\$446,258 33

F. A. CONKLING,
Receiver.

NEW YORK, April 24, 1880.

(2)

OFFICE OF RECEIVER OF THE ADRIATIC FIRE INSURANCE CO., }
 NEW YORK, *April 20th*, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, &c.* :

SIR—In compliance with yours of the 5th inst., I inclose the statement called for by a resolution of the Assembly passed on the 31st ultimo.

Very respectfully,

WM. A. SEAVER,
Receiver.

ADRIATIC FIRE INSURANCE COMPANY OF NEW YORK.

Wm. A. Seaver, Receiver, appointed Aug. 30, 1880, by Hon. Chas. H. Van Brunt.

| | |
|--|--------------|
| Appraised value of assets..... | \$147,962 45 |
| Assets converted into cash..... | 34,002 78 |
| District of Columbia bonds in receiver's hands, interest 3-65..... | 112,565 93 |
| Cash on deposit, Continental bank..... | 270 93 |
| Paid London and Lancaster Insurance Company for re- insuring company's risks..... | 26,187 06 |

Losses Paid.

| | |
|---|------------|
| Policy 64212, E. M. Stickney..... | \$258 26 |
| Policy 65451, B. Doolittle..... | 1,168 83 |
| Policy 64273, National F. & L. Co..... | 254 37 |
| Policy 62456, M. A. Peck..... | 459 75 |
| Policy 63248, S. M. Swenson..... | 2 19 |
| Policy 64953, John Piper..... | 14 25 |
| Policy 49513-14, Thos. Sitgraves..... | 526 16 |
| Policy 4896, Security Insurance Company.. | 17 48 |
| Policy 63075, J. R. Value..... | 15 85 |
| Policy 64136, Walton Bros..... | 1,099 83 |
| Policy 64468, National F. & L. Co..... | 212 27 |
| Policy 64136, J. O. Whitehouse..... | 2,292 61 |
| Policy 65323, F. Nusbaum..... | 117 50 |
| Policy 64273, National L. Co..... | 41 51 |
| Policy 64555, S. O. Barnum..... | 753 29 |
| Policy 64516, Jas. Brady..... | 12 00 |
| Policy 63802, John Thompson..... | 562 50 |
| | <hr/> |
| | \$7,808 65 |

Legal Expenses.

| | |
|----------------------------|----------|
| Paid N. B. Hoxie..... | \$68 77 |
| Paid Mann & Parsons..... | 50 00 |
| Paid Foster & Thomson..... | 150 00 |
| Paid Geo. A. Clement..... | 15 00 |
| Paid Miller & Frost..... | 250 00 |
| | <hr/> |
| | \$533 77 |

Adjusting Losses.

| | | |
|------------------------------|---------|----------|
| Paid Jos. Phelps..... | \$12 50 | |
| Paid C. B. Holmes..... | 40 00 | |
| Paid A. G. Pirez..... | 112 67 | |
| Paid Thos. Nelson..... | 6 87 | |
| Paid Cincinnati Adj. Co..... | 184 25 | |
| | | <hr/> |
| | | \$346 29 |

Return Premiums.

| | | |
|------------------------------|---------|----------|
| Paid G. R. & A. C. Ward..... | \$61 40 | |
| Paid J. B. Ames..... | 73 11 | |
| | | <hr/> |
| | | \$134 50 |

| | |
|---|------------|
| Paid commissions to brokers on premiums paid..... | \$1,656 03 |
| Paid A. Becar, rent of office..... | 1,786 69 |
| Paid N. G. Rogers, services..... | 1,750 00 |
| Paid D. Seaver, services..... | 1,050 00 |
| Paid K. Clark, services..... | 160 00 |
| Paid advertising..... | 25 87 |
| Paid stationery..... | 65 36 |
| Paid dividend, old account..... | 166 25 |
| Paid gas bills..... | 18 75 |
| Paid Insurance Department.... | 70 20 |
| Paid Post office, stamps..... | 37 15 |

NEW YORK, *April 20th*, 1880.

WM. A. SEAVER,
Receiver.

(3)

FIRE ASSOCIATION OF PHILADELPHIA, }
AGENCY AT NEW YORK, *April 30*, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR—In compliance with your request, as embodied in resolution of Assembly of 30th ultimo, I herewith submit my report of operations as Receiver of Arctic Insurance Co. of New York, to date. Will you favor me by an acknowledgement of its receipt, and also notice if any thing more is required.

Yours, etc.,
V. TILYOU,
Receiver.

NEW YORK, *April 13*, 1880.

TO HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR—In compliance with the Assembly resolution of 31st ultimo, a copy of which I have from your committee, I respectfully report as follows, viz.:

1. I was appointed receiver, January 23d, 1879, by Judge Geo. C. Barrett, on an application made by Morris Franklin, a director and

stockholder in the Arctic Insurance Company, made by him at the request of the directors and stockholders, for the purpose of closing up the affairs of the company, which had been in course of liquidation and not transacting any business for over a year previous.

2. The appraised value of the assets was:

| | | |
|--|-------------------|---|
| Cash in bank..... | \$11,244 54 | |
| Cash in office..... | 35 51 | |
| Interest accrued on deposits, bonds, etc..... | 109 21 | |
| U. S. 4 per cent coupon bonds..... | 3,000 00 | |
| U. S. 4 per cent premium bonds..... | 97 50 | |
| Salvage claim, steamer "Golden Rule."..... | Nominal value. | } |
| Balance due by J. W. Kinsley & Co., as agents..... | | |
| Judgment against Silas R. Horton..... | | |
| Equity in lot of land on 97th St., New York..... | | |
| Total..... | \$14,486 76 | |

3. Receipts :

| | |
|--|-------------|
| Cash in bank, transferred to receiver..... | \$11,244 54 |
| Cash in office, transferred to receiver..... | 35 51 |
| U. S. 4 per cent bonds, sold..... | 3,096 25 |
| Interest received..... | 449 49 |
| Sale of old books and papers..... | 18 21 |
| Sale of equity in lot of land on 97th St., New York, by order of court, Justice Lawrence presiding..... | 1,000 00 |
| Sale of judgment against S. R. Horton, by same order of court..... | 50 00 |
| Sale of claim against J. W. Kinsley & Co., by same order..... | 1 00 |
| Salvage from steamer "Golden Rule."..... | 153 27 |
| Total receipts..... | \$16,048 27 |

4. Disbursements:

| | |
|---|------------|
| Loss No. 2192, F. W. Whipple and H. O. Cranston, compromised..... | \$2,940 00 |
| Traveling expenses of receiver to Boston in above claim case..... | 15 60 |
| J. R. Douglass, expenses of investigating loss claim of L. A. Cohen..... | 35 41 |
| Mechanics' and Traders' Insurance Co., loss on cargo steamboat Don Cameron. Compromised..... | 1,250 00 |
| Stationery, printing, postage, etc..... | \$46 83 |
| Rent of box in Safe Deposit Co..... | 15 00 |
| Rent of office..... | 100 00 |
| F. W. Parker, special services..... | 125 00 |
| | 286 83 |

TOTAL EXPENSES.

| | |
|--|----------|
| Law bill of Tinsdale & Sprague for services rendered the company prior to receivership..... | 1,250 00 |
| Law bill of Hoadley, Johnson & Colston, similar to above..... | 153 27 |

| | |
|--|----------|
| Tax search on lot of land 97th street, New York..... | \$5 00 |
| Advertising and fees of notary and court in matter of re- ceivership..... | 74 05 |
| W. B. Dixon, for services in matter of lot of land, 97th street, New York | 50 00 |
| Mordecai & Bellamy, commissions, for selling said lot of land | 50 00 |
| Fees paid by order of court, Justice Lawrence presiding, Hinsdale & Sprague, attorneys for receiver | \$500 00 |
| Geo. H. Parsons, attorney for plaintiffs..... | 100 00 |
| Ambrose Monell, referee..... | 50 00 |
| Vincent Tilyou, receiver's fees..... | 495 95 |
| <hr/> | |
| Total fees | 1,145 90 |

DIVIDENDS.

| | |
|---|-------------|
| Paid sundry stockholders for dividends declared prior to appointment of receiver..... | 395 00 |
| Paid sundry stockholders to April 13, 1880, a dividend of 3½ per cent., as per order of court, Justice Lawrence presiding. | 6,355 00 |
| <hr/> | |
| April 13, 1880. Total disbursements..... | \$14,006 11 |
| <hr/> | |

RECAPITULATION.

| | |
|--|-------------|
| Total receipts as hereinbefore stated..... | \$16,048 27 |
| Total disbursements..... | 14,006 11 |
| <hr/> | |
| Balance on hand..... | \$2,042 16 |
| <hr/> | |

5. The above balance of \$2,042.16 is now deposited in the St. Nicholas National Bank of New York, awaiting calls of stockholders, and is not drawing interest.

6. Dividends on account of returning capital stock, amounting to 85 per cent., were made to stockholders prior to appointment of receiver, and by order of court the receiver is now paying a further dividend of 3½ per cent.

Respectfully submitted.
V. TILYOU,
Receiver Arctic Ins. Co., New York.

(4)

BROOKLYN, April 20th, 1880.

Hon. CHARLES S. BAKER, Chairman Insurance Committee, Albany,
N. Y.:

SIR — Your favor of the 5th inst. received, and I would respectfully submit the following answer to the same:

I, John D. Cocks, was appointed Receiver of the Atlantic Fire Ins. Co. of Brooklyn by Judge J. W. Gilbert of the Supreme Court on the

19th day of October, 1871, and the assets that came in my hands at that time amounted to \$458,038.56, and the whole amount realized by me as receiver amounted to \$528,448.79, which includes interest on the same. There is a balance in my hands amounting to \$2,037.36, which is deposited in the National City Bank of Brooklyn, and being subject to draft is not drawing interest. The policy holders were paid in full the amount due them amounting to \$112,416.93, and the loss claims were paid to the amount of \$321,991.03. The expenses of the receivership amounted to \$35,391.99, which amount was expended in rent, as we had two unexpired leases of offices, for clerk hire, adjustment of loss claims, closing agencies, traveling expenses, advertising, stationery and other necessary expenses, under the head of items, the persons to whom payments have been made by the receiver. All disbursements made have been by orders of the Supreme Court, by whom I was appointed. Considerable of the expense was incurred in defending suits and to prevent being thrown into bankruptcy. T. E. Stillman, \$500; Sandford, Woodruff & Robinson, \$326; Clarence L. Burnett, referee, \$5,250; L. W. Russell, \$500; Dow & McKeon, \$1,500; Brownell & Lathrop, \$850; Barney, Butler & Parsons, \$8,700; Butler, Stillman & Hubbard, \$4,000. The above have all been for legal expenses, not only in this state but in other states, mostly at Chicago, Ill. On filing my account the receiver was allowed five per cent. of the assets for his fees.

Yours respectfully,

JOHN D. COCKS,
Receiver.

(5)

NEW YORK, *April 29th*, 1880.

HON. CHARLES S. BAKER, *Chairman Insurance Committee, New York Assembly:*

SIR — In answer to resolution of the Assembly passed April 5th, 1880, and copy of same received on the 14th inst. from your committee, the following statement is respectfully submitted:

Name of Receiver, William H. Kipp.

Name of Insurance company, Baltic Fire Insurance Company.

Date of appointment, August 16th, 1869.

Name of judge making appointment, Hon. George G. Barnard, Supreme Court.

Appraised value of assets made by Receiver..... \$140,030 93

Money realized from conversion of assets, viz.:

| | |
|------------------------------|-------------|
| Bond and mortgage | \$99,712 81 |
| Premiums | 2,368 59 |
| U. S. bonds..... | 10,000 00 |
| Special loans..... | 1,250 00 |
| Rent..... | 11,000 00 |
| Interest..... | 10,027 22 |
| Furniture and Fixtures | 1,357 06 |

| | |
|---------------------------------|------------|
| Eighth National Bank stock..... | \$1,500 00 |
| Cash..... | 7,302 02 |

| | |
|------------|---------------------|
| Total..... | <u>\$144,517 70</u> |
|------------|---------------------|

| | |
|---|-------------------|
| Money now in the hands of the Receiver..... | <u>\$2,012 35</u> |
|---|-------------------|

Being a cash balance of receipts and disbursements. There are no other moneys on hand or on deposit.

Amount of dividends paid to policy-holders, none. Policies were canceled and return premiums were paid for unexpired time, or were re-insured. Claims for losses were settled by agreement.

| | |
|--|---------------------|
| Total expenditures of receivership | <u>\$142,505 35</u> |
|--|---------------------|

| | |
|----------------------|-----------|
| Commissions | \$180 56 |
| Return premiums..... | 4,547 28 |
| Re-insurance..... | 25,006 55 |
| Fire losses | 53,542 93 |
| Rent | 21,200 09 |
| Interest | 1,474 90 |
| Special loan..... | 10,000 00 |
| Expenses | 26,553 04 |

| | |
|------------|---------------------|
| Total..... | <u>\$142,505 35</u> |
|------------|---------------------|

Items of expenditures, persons to whom payments have been made, and for what purpose, viz. :

COMMISSIONS TO BROKERS ON PREMIUMS.

| | |
|-------------------------------------|---------|
| I. Crossin, 31,940 to 34,871 .. | \$23 95 |
| Rathbone, 34,836 to 34,499..... | 2 53 |
| D. and Anderson, 34,684..... | 3 00 |
| Maigraff, 34,508 to 35,056 | 12 56 |
| Woodbridge, 32,850 | 4 16 |
| Coles, 9,466 | 66 |
| Hollingshead, 27,255 | 27 |
| G. K. Doughty, 34,428 | 4 68 |
| G. R. Benson, 34,863 | 90 |
| S. Brown & Son, 34,244, 34,245..... | 11 23 |
| Coles & Son, 27,769 to 32,642 | 1 68 |
| Shepherd, 34,483 to 34,692..... | 2 70 |
| Rathbone, 34,303 to 34,860 | 6 50 |
| Lord, 34,648 | 1 44 |
| W. and Baker, 32,550 | 6 80 |
| Alliger, 32,726 to 34,257..... | 23 70 |
| J. Shirley, 34,798..... | 2 25 |
| Gregory, 644 | 62 |
| Rathbone, 34,642 | 7 50 |
| Rathbone, 22,858 to 31,128..... | 9 25 |
| Burghardt, 33,789 to 35,037 | 12 00 |

| | |
|--|-----------------|
| Porter, 34,481 | \$ 61 |
| Koppe, 31,561 | 18 |
| Rosenbaum, 34,445 to 34,840 | 1 65 |
| Doughty & Haws, 34,395 | 24 |
| Doughty & Haws, 33,972 | 1 35 |
| G. R. Crawford, 31,759 to 34,668 | 21 25 |
| Schenck, 33,769 to 34,895 | 16 90 |
| Total..... | \$180 56 |

RETURN PREMIUMS (POLICIES CANCELLED).

| | |
|--|---------|
| Policy 31,032 | \$46 10 |
| Policy 31,617 | 10 97 |
| Policy 32,283 | 10 11 |
| Policy 24,106 | 6 97 |
| Policy 11,859 | 56 00 |
| Policy 28,609 | 11 43 |
| Policy 33,754 | 1 60 |
| Policy 25,806 | 1 67 |
| Policy 33,550 | 3 83 |
| Policy 15,797 | 2 75 |
| Policy 10,526 | 4 06 |
| Policy 16,259 | 16 07 |
| Policy 33,606 | 8 86 |
| Policy 33,608 | 21 96 |
| W. P. Porter, North Adams agency | 85 40 |
| J. Searle, Providence agency | 99 57 |
| Policy 1,102, Portland agency | 13 00 |
| Policy 1,023 | 13 82 |
| Policy 23,684 | 16 51 |
| Policy 24,482 | 3 00 |
| Policy 11,670 | 11 56 |
| Policy 34,487 | 19 79 |
| Policy 964 | 51 |
| Policy 1,308 | 30 |
| Policy 26,702 | 2 50 |
| Policy 31,141 | 2 55 |
| Policy 9,466 | 4 06 |
| Policy 33,820 | 3 85 |
| Policy 32,655 | 6 90 |
| Policy 31,005 | 1 53 |
| Policy 31,519 | 4 25 |
| Policy 25,931 | 10 20 |
| Policy 33,807 | 6 80 |
| Policy 27,759 | 6 12 |
| Policy 9,858 | 1 90 |
| Policies 89,670 to 99,374 | 35 42 |
| Policy 31,015 | 1 17 |
| Policy 29,938 | 46 |
| Policy 29,356 | 21 |
| Policy 859 | 40 |
| Policy 14,258 | 4 60 |

| | |
|--------------------|--------|
| Policy 8,400..... | \$2 00 |
| Policy 11,487..... | 3 00 |
| Policy 2,151..... | 5 00 |
| Policy 15,732..... | 9 00 |
| Policy 14,816..... | 3 75 |
| Policy 3,550..... | 50 |
| Policy 2,056..... | 9 57 |
| Policy 24,997..... | 1 60 |
| Policy 24,814..... | 1 28 |
| Policy 32,570..... | 7 20 |
| Policy 865..... | 4 73 |
| Policy 31,646..... | 5 95 |
| Policy 32,739..... | 1 53 |
| Policy 5,847..... | 12 75 |
| Policy 23,762..... | 2 04 |
| Policy 32,875..... | 11 48 |
| Policy 28,654..... | 85 |
| Policy 33,759..... | 8 93 |
| Policy 11,631..... | 15 30 |
| Policy 25,900..... | 9 00 |
| Policy 27,283..... | 14 12 |
| Policy 11,218..... | 7 90 |
| Policy 24,917..... | 7 90 |
| Policy 12,636..... | 8 16 |
| Policy 4,484..... | 7 04 |
| Policy 32,813..... | 4 05 |
| Policy 23,805..... | 6 38 |
| Policy 22,658..... | 3 00 |
| Policy 31,096..... | 8 50 |
| Policy 10,863..... | 3 73 |
| Policy 14,776..... | 1 60 |
| Policy 2,405..... | 12 45 |
| Policy 27,328..... | 3 16 |
| Policy 11,566..... | 17 32 |
| Policy 29,181..... | 83 |
| Policy 29,180..... | 16 |
| Policy 29,355..... | 36 |
| Policy 8,184..... | 3 66 |
| Policy 30,492..... | 1 92 |
| Policy 24,927..... | 10 80 |
| Policy 8,755..... | 3 06 |
| Policy 5,821..... | 2 55 |
| Policy 29,838..... | 1 53 |
| Policy 836..... | 1 02 |
| Policy 31,072..... | 7 08 |
| Policy 625..... | 3 06 |
| Policy 14,727..... | 72 |
| Policy 6,226..... | 1 53 |
| Policy 6,065..... | 10 20 |
| Policy 23,724..... | 1 28 |
| Policy 34,525..... | 28 00 |
| Policy 32,684..... | 4 00 |

| | |
|--------------------|--------|
| Policy 34,417..... | \$5 40 |
| Policy 25,710..... | 5 62 |
| Policy 34,418..... | 9 45 |
| Policy 1,773..... | 6 57 |
| Policy 1,174..... | 1 50 |
| Policy 34,369..... | 10 13 |
| Policy 5,657..... | 20 84 |
| Policy 25,709..... | 1 50 |
| Policy 5,979..... | 11 25 |
| Policy 29,774..... | 88 |
| Policy 31,073..... | 1 02 |
| Policy 30,498..... | 80 |
| Policy 29,943..... | 1 02 |
| Policy 25,011..... | 6 40 |
| Policy 25,908..... | 16 58 |
| Policy 22,858..... | 17 00 |
| Policy 16,311..... | 6 12 |
| Policy 16,208..... | 2 00 |
| Policy 13,854..... | 34 |
| Policy 16,310..... | 1 92 |
| Policy 25,058..... | 3 83 |
| Policy 16,146..... | 2 27 |
| Policy 8,440..... | 1 53 |
| Policy 31,031..... | 3 74 |
| Policy 24,409..... | 6 38 |
| Policy 15,666..... | 1 05 |
| Policy 11,225..... | 7 00 |
| Policy 11,226..... | 4 00 |
| Policy 24,989..... | 6 70 |
| Policy 1,883..... | 2 55 |
| Policy 15,727..... | 1 05 |
| Policy 31,665..... | 2 55 |
| Policy 16,234..... | 5 95 |
| Policy 31,713..... | 12 75 |
| Policy 32,711..... | 10 63 |
| Policy 23,052..... | 11 90 |
| Policy 16,240..... | 3 06 |
| Policy 26,634..... | 4 51 |
| Policy 14,820..... | 1 36 |
| Policy 11,199..... | 10 20 |
| Policy 25,881..... | 1 70 |
| Policy 33,722..... | 6 38 |
| Policy 29,795..... | 9 57 |
| Policy 33,737..... | 10 45 |
| Policy 30,980..... | 6 38 |
| Policy 16,181..... | 3 62 |
| Policy 30,399..... | 5 10 |
| Policy 29,801..... | 2 04 |
| Policy 33,835..... | 3 40 |
| Policy 12,621..... | 8 82 |
| Policy 10,537..... | 1 11 |
| Policy 33,709..... | 7 65 |

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|--------------------|--------|
| Policy 29,296..... | \$0 65 |
| Policy 33,638..... | 5 75 |
| Policy 24,220..... | 4 08 |
| Policy 10,025..... | 1 95 |
| Policy 32,205..... | 5 95 |
| Policy 31,674..... | 1 65 |
| Policy 4,497..... | 1 28 |
| Policy 30,440..... | 1 36 |
| Policy 32,178..... | 94 |
| Policy 6,227..... | 6 80 |
| Policy 33,763..... | 1 81 |
| Policy 32,228..... | 1 00 |
| Policy 30,514..... | 40 |
| Policy 33,622..... | 7 98 |
| Policy 29,139..... | 3 20 |
| Policy 32,839..... | 9 57 |
| Policy 24,304..... | 7 53 |
| Policy 4,250..... | 2 55 |
| Policy 4,235..... | 2 55 |
| Policy 10,146..... | 1 25 |
| Policy 31,137..... | 1 53 |
| Policy 26,577..... | 18 50 |
| Policy 26,511..... | 18 50 |
| Policy 13,985..... | 2 44 |
| Policy 30,533..... | 43 |
| Policy 10,447..... | 3 83 |
| Policy 34,340..... | 15 10 |
| Policy 32,650..... | 2 30 |
| Policy 11,560..... | 3 64 |
| Policy 11,559..... | 2 34 |
| Policy 16,152..... | 1 12 |
| Policy 35,046..... | 34 02 |
| Policy 11,236..... | 8 84 |
| Policy 34,373..... | 5 60 |
| Policy 24,954..... | 1 47 |
| Policy 34,413..... | 19 28 |
| Policy 30,413..... | 1 44 |
| Policy 32,153..... | 3 06 |
| Policy 28,744..... | 65 |
| Policy 29,330..... | 25 |
| Policy 32,135..... | 3 20 |
| Policy 34,394..... | 7 14 |
| Policy 24,905..... | 12 75 |
| Policy 34,472..... | 7 02 |
| Policy 30,952..... | 2 40 |
| Policy 31,002..... | 3 20 |
| Policy 30,414..... | 30 |
| Policy 24,912..... | 6 72 |
| Policy 9,138..... | 1 70 |
| Policy 32,721..... | 3 00 |
| Policy 14,780..... | 43 |
| Policy 9,117..... | 1 70 |

| | |
|-------------------------------------|--------|
| Policy 14,328..... | \$0 51 |
| Policy 24,359..... | 21 25 |
| Policy 11,614..... | 12 33 |
| Policy 10,446..... | 6 38 |
| Policy 34,355..... | 13 28 |
| Policy 8,884..... | 68 |
| Policy 20,993..... | 9 00 |
| Policy 7,666..... | 1 79 |
| Policy 15,126..... | 5 53 |
| Policy 31,634..... | 10 20 |
| Policy 32,849..... | 8 50 |
| Policy 4,301..... | 51 |
| Policy 32,296..... | 5 44 |
| Policy 33,581..... | 6 38 |
| Policy 33,582..... | 13 40 |
| Policy 9,324..... | 1 70 |
| Policy 23,775..... | 9 92 |
| Policy 2,791..... | 42 50 |
| Policy 30,719..... | 8 61 |
| Policy 9,947..... | 9 57 |
| Policy 23,000..... | 8 30 |
| Policy 31,207..... | 8 00 |
| Policy 12,270..... | 30 00 |
| Policy 11,798..... | 6 60 |
| Policy 34,364..... | 4 25 |
| Policy 3,799..... | 21 |
| Policy 31,123..... | 83 |
| Policy 14,770..... | 1 53 |
| Policy 31,536..... | 1 18 |
| Policy 32,739..... | 15 95 |
| Policy 32,786..... | 3 19 |
| Policy 33,586..... | 7 65 |
| Policy 31,693..... | 3 40 |
| Policy 34,398..... | 18 60 |
| Policy 11,521..... | 22 27 |
| Policy 29,951..... | 1 00 |
| Policy 34,387..... | 12 75 |
| Policy 29,135..... | 1 20 |
| Policy 34,259..... | 3 40 |
| Policy 15,316..... | 6 12 |
| Policy 11,259..... | 9 78 |
| Policy 9,515..... | 73 |
| Policy 33,817..... | 3 06 |
| Policy 9,430..... | 5 40 |
| Policy 33,750..... | 7 65 |
| Policy 31,577..... | 1 28 |
| Policy 24,374..... | 9 00 |
| Policy 4,189..... | 32 |
| Policy 30,368..... | 1 92 |
| Policy 9,722..... | 76 |
| R. M. Michael, Saratoga agent | 51 95 |
| Policy 12,736..... | 11 52 |

| | |
|------------------------------|--------|
| Policy 13,845..... | \$1 28 |
| Policy 30,641..... | 1 35 |
| Policy 26,629..... | 3 00 |
| Policy 29,803..... | 2 00 |
| Policy 1,848..... | 51 |
| Policy 31,941..... | 43 |
| Policy 1,843..... | 4 08 |
| Policy 31,758..... | 2 72 |
| Policy 14,239..... | 34 |
| Policy 31,640..... | 77 |
| Policy 29,324..... | 27 |
| Policy 30,471..... | 77 |
| Policy 3,911..... | 4 00 |
| Policy 8,880..... | 1 60 |
| Policy 5,453..... | 6 00 |
| Policy 5,504..... | 3 25 |
| Policy 25,073..... | 2 77 |
| Policy 15,712..... | 2 72 |
| Policy 8,950..... | 68 |
| Policy 31,127..... | 3 40 |
| Policy 10,949..... | 3 75 |
| Policy 8,907..... | 3 66 |
| Policy 8,910..... | 2 25 |
| Policy 15,143..... | 2 08 |
| Policy 30,946..... | 1 87 |
| Policy 8,911..... | 2 50 |
| Policy 3,908..... | 1 97 |
| Policy 1,813..... | 2 20 |
| Policy 602..... | 75 |
| Policy 33,448..... | 26 25 |
| Policy 1,734..... | 5 11 |
| Policy 10,445..... | 4 25 |
| Policy 10,469..... | 13 80 |
| Policy 4,904..... | 15 00 |
| Policy 24,317..... | 4 50 |
| Policy 15,737..... | 4 50 |
| Policy 4,929..... | 3 40 |
| Policy 31,103..... | 8 00 |
| Policy 4,012..... | 1 20 |
| Policy 22,725..... | 5 50 |
| Policy 10,438..... | 4 95 |
| Policy 2,861..... | 66 94 |
| Policy 30,577..... | 10 00 |
| Policy 31,683..... | 7 20 |
| Policy 10,342..... | 2 48 |
| Policy 2,292..... | 12 50 |
| Policy 24,796..... | 8 00 |
| J. W. Stiner & Co., 195..... | 11 20 |
| Low & Whitney, 193..... | 4 70 |
| Policy 29,738..... | 1 65 |
| Policy 29,371..... | 8 33 |
| Policy 8,782..... | 7 50 |

| | |
|------------------------|--------|
| Policy 28,511..... | \$2 14 |
| Policy 31,560..... | 3 20 |
| Policy 31,508..... | 3 45 |
| Policy 27,188..... | 3 06 |
| Policy 30,995..... | 55 |
| Policy 11,898..... | 9 57 |
| Policy 32,285..... | 4 25 |
| Policy 10,030..... | 3 20 |
| Policy 30,456..... | 26 50 |
| Policy 26,063..... | 26 57 |
| Policy 28,495..... | 1 07 |
| Policy 29,264..... | 85 |
| Policy 13,756..... | 3 57 |
| Policy 5,423..... | 3 75 |
| Policy 23,501..... | 5 95 |
| Policy 33,698..... | 22 95 |
| Policy 25,066..... | 14 88 |
| Policy 33,831..... | 3 20 |
| Policy 31,098..... | 3 60 |
| Policy 7,789..... | 1 00 |
| Policy 33,813..... | 2 88 |
| Policy 22,440..... | 8 00 |
| Policy 22,441..... | 6 00 |
| Policy 32,692..... | 6 40 |
| Policy 13,984..... | 2 70 |
| Policy 22,604..... | 5 00 |
| Policy 35,801..... | 1 00 |
| Policy 10,810..... | 8 12 |
| Policy 33,636..... | 1 83 |
| Policy 22,442..... | 2 60 |
| Policy 13,726..... | 75 |
| Policy 22,447..... | 2 60 |
| Policy 22,445..... | 2 25 |
| Policy 22,444..... | 2 25 |
| Policy 22,443..... | 2 25 |
| Policy 20,501..... | 5 40 |
| Policy 32,862..... | 14 40 |
| Policy 33,568..... | 13 50 |
| Policy 23,799..... | 3 60 |
| Policy 23,612..... | 7 20 |
| Policy 33,728..... | 16 80 |
| Policy 9,204..... | 3 00 |
| Craigville agency..... | 38 90 |
| Policy 33,164..... | 3 20 |
| Policy 33,163..... | 3 83 |
| Policy 10,039..... | 6 40 |
| Policy 10,080..... | 2 44 |
| Policy 11,615..... | 19 13 |
| Policy 26,496..... | 5 10 |
| Policy 10,883..... | 25 50 |
| Policy 26,521..... | 7 55 |
| Policy 2,498..... | 10 00 |

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|-------------------------------|---------|
| Policy 34,385..... | \$25 65 |
| H. C. Munson, Detroit..... | 17 48 |
| Policy 5,348..... | 2 10 |
| Policy 8,156..... | 3 24 |
| Policy 32,212..... | 1 79 |
| Policy 12,241..... | 6 90 |
| Evansville, Ind., agency..... | 28 47 |
| Policy 9,868..... | 1 06 |
| Policy 6,478..... | 13 40 |
| R. McMichael, Saratoga..... | 51 95 |
| Policy 25,197..... | 13 50 |
| Policy 27,414..... | 7 50 |
| Policy 23,628..... | 1 80 |
| Hilton & Co., 6,494..... | 6 38 |
| Policy 34,648..... | 28 05 |
| Policy 27,395..... | 11 50 |
| Policy 4,192..... | 2 55 |
| Policy 4,816..... | 1 70 |
| Policy 4,601..... | 2 10 |
| Policy 30,994..... | 5 40 |
| Policy 10,457..... | 6 80 |
| Policy 471..... | 1 19 |
| Policy 45..... | 4 08 |
| Policy 8,955..... | 3 40 |
| Policy 10,426..... | 1 79 |
| Policy 25,987..... | 12 12 |
| Policy 33,562..... | 10 20 |
| Policy 10,455..... | 2 55 |
| Policy 10,451..... | 1 19 |
| Policy 10,452..... | 1 79 |
| Policy 10,470..... | 2 55 |
| Policy 11,569..... | 45 90 |
| Milwaukie, Wis., agency..... | 228 32 |
| Policy 1,575..... | 7 85 |
| Policy 1,571..... | 9 56 |
| Policy 1,568..... | 7 97 |
| Policy 106..... | 3 60 |
| Policy 147..... | 5 10 |
| Policy 151..... | 5 75 |
| Policy 1,722..... | 4 00 |
| Policy 1,652..... | 1 27 |
| Policy 1,691..... | 2 55 |
| Policy 1,728..... | 9 57 |
| Policy 1,700..... | 85 |
| Policy 1,742..... | 9 86 |
| Policy 1,622..... | 2 75 |
| Policy 1,736..... | 7 97 |
| Policy 1,730..... | 10 62 |
| Policy 1,726..... | 11 15 |
| Policy 1,620..... | 85 |
| Policy 1,619..... | 85 |
| Policy 210..... | 2 60 |

| | |
|--------------------------|--------|
| Policy 105..... | \$0 90 |
| Policy 221..... | 3 60 |
| Policy 190..... | 4 47 |
| Policy 12,390..... | 2 25 |
| Policy 34,397..... | 3 60 |
| Policy 6..... | 6 10 |
| Policy 9..... | 4 37 |
| Policy 25,905..... | 8 50 |
| Policy 24,312..... | 6 80 |
| Policy 35,565..... | 5 32 |
| Policy 31..... | 1 81 |
| Policy 30..... | 6 80 |
| Policy 7..... | 5 83 |
| Policy Savannah, Ga..... | 73 11 |
| Policy 29,188..... | 2 79 |
| Policy 167..... | 6 21 |
| Policy 14..... | 2 64 |
| Policy 123..... | 4 59 |
| Policy 122..... | 11 48 |
| Policy 179..... | 8 50 |
| Policy 2..... | 2 81 |
| Policy 2,128..... | 9 60 |
| Policy 30,495..... | 4 20 |
| Policy 149..... | 1 50 |
| Policy 11,049..... | 12 62 |
| Policy 33,378..... | 3 30 |
| Policy 33,520..... | 2 60 |
| Policy 34..... | 3 00 |
| Policy 223..... | 2 70 |
| Policy 222..... | 1 20 |
| Policy 200..... | 85 |
| Policy 175..... | 5 75 |
| Policy 176..... | 6 38 |
| Philadelphia agency..... | 22 29 |
| Camden agency..... | 5 63 |
| Rochester agency..... | 54 22 |
| Boston agency..... | 90 58 |
| Buffalo agency..... | 9 14 |
| Craigville agency..... | 7 78 |
| Forrestville agency..... | 13 08 |
| Albany agency..... | 8 54 |
| Hartford agency..... | 8 12 |
| Philadelphia agency..... | 11 90 |
| Jewett City agency..... | 9 13 |
| Elmira agency..... | 2 00 |
| Eau Claire agency..... | 1 32 |
| New Haven agency..... | 2 45 |
| Philadelphia agency..... | 2 50 |
| Craigville agency..... | 2 08 |
| Stamford agency..... | 2 37 |
| Schenectady agency..... | 1 75 |
| Springfield agency..... | 8 64 |

| | |
|--------------------------|--------|
| Policy 30,976 | \$5 75 |
| Norwalk agency | 1 58 |
| Norwalk agency | 2 22 |
| Rondout agency | 33 45 |
| Mobile agency..... | 286 49 |
| Policy 22,694..... | 6 38 |
| La Crosse agency | 1 09 |
| Policy 33,757..... | 22 32 |
| Policy 1,117..... | 4 96 |
| Buffalo agency..... | 13 00 |
| St. Louis agency..... | 10 42 |
| Stamford agency..... | 2 78 |
| Craigville agency..... | 5 00 |
| Portland agency..... | 108 05 |
| Policy 32,288..... | 11 47 |
| Salem agency..... | 4 78 |
| Policy 31,583..... | 4 77 |
| Policy 29,267..... | 85 |
| Policy 31,121..... | 5 53 |
| Policy 22,255..... | 4 68 |
| Policy 10,318..... | 20 07 |
| Policy 34,382..... | 12 75 |
| Policy 31,258..... | 2 04 |
| Craigville agency..... | 1 56 |
| Policy 33,726..... | 8 16 |
| Policy 33,727..... | 6 46 |
| Policy 854..... | 1 59 |
| Policy 1,163..... | 3 73 |
| Policy 114..... | 6 44 |
| Policy 1,098..... | 2 96 |
| Policy 127..... | 2 76 |
| Policy 106..... | 67 |
| Henry Harris..... | 11 |
| Policy 303..... | 3 96 |
| Policy 233..... | 1 36 |
| Policy 31,128..... | 1 70 |
| Policy 1,121..... | 1 63 |
| Policy 511..... | 9 29 |
| Policy 34,435..... | 17 71 |
| Policy 225 | 2 78 |
| Policy 207..... | 3 08 |
| Policy 206..... | 4 58 |
| Policy 1,554..... | 5 57 |
| Rondout agency | 8 00 |
| Rondout agency | 5 50 |
| New Haven agency..... | 4 82 |
| St. Louis agency..... | 43 75 |
| Taunton agency..... | 2 26 |
| Naugatuck agency | 1 71 |
| Springfield agency | 7 22 |
| Policy 33,623..... | 37 12 |
| Keene agency..... | 13 65 |

| | |
|--------------------------|-------------------|
| Policy 31,075..... | \$4 64 |
| Chicago agency..... | 33 86 |
| Policy 34,381..... | 18 77 |
| Policy 832..... | 1 10 |
| West Meriden agency..... | 8 46 |
| Meriden agency..... | 1 36 |
| Total..... | \$4,547 28 |

RE-INSURANCE, VIZ.:

| | |
|---|--------------------|
| Williamsburgh City Insurance Company..... | \$833 34 |
| Narragansett Insurance Company..... | 20,375 00 |
| Occidental Insurance Company..... | 1,088 80 |
| Fulton Insurance Company | 95 34 |
| Atlantic Insurance Company | 1,074 23 |
| Albany City Insurance Company | 1,105 47 |
| Commonwealth Insurance Company..... | 434 37 |
| Total..... | \$25,006 55 |

FIRE LOSSES.

| | |
|--|----------|
| W. H. Helmbold, adjusting..... | \$20 00 |
| J. Quinlan, Policy 33,676..... | 6 00 |
| J. Aberle, Policy 11,529..... | 5 00 |
| F. Wagner, Policy 6,279..... | 15 00 |
| A. Altenkirsch and Co., Policy 29,250..... | 1,512 15 |
| Wickes'-Bros., 27,846 | 1,358 23 |
| G. W. Lane, Policy 26..... | 900 00 |
| Doyle and Cullen, Policy 12,034 | 58 75 |
| S. O. Lamb, Policy 76..... | 86 53 |
| Lafayette Ins. Co., Policy 28,115..... | 30 93 |
| John Horton, Policy 15,304..... | 153 98 |
| George L. Smith & Co, 29,861..... | 1,500 00 |
| Resolute Ins. Co..... | 4 19 |
| L. Williams, adjusting | 60 00 |
| John Crossin, adjusting | 23 00 |
| Devoe and Pratt, Policy 28,055..... | 2,520 00 |
| Southworth and Rich, Policy 74..... | 10 00 |
| Silver and Muller, Policy 33,551 | 62 50 |
| J. M. Haswell, Policy 4,816..... | 50 00 |
| Parmenter Bros., Policy 33,832 | 3,000 00 |
| J. Hoffman, Policy 15,237 | 550 00 |
| J. Gill, Policy 555..... | 600 00 |
| Mrs. J. A. Jones, Policy 85..... | 27 12 |
| J. Crossin, adjusting | 25 00 |
| Henry Hays, Policy 805..... | 300 00 |
| J. M. Long, Policy 5,020..... | 65 00 |
| Ph. Sachs, Policy 26,080..... | 1,666 66 |
| A. E. Baker, adjusting | 59 52 |

| | |
|---|--------------------|
| M. M. Swain, Policy 1,079..... | \$58 33 |
| R. O. Lowery, adjusting..... | 7 14 |
| R. O. Lowery, adjusting, 290½ Grand..... | 9 80 |
| Herman Knox, Policy 26,544..... | 150 00 |
| Herman Knox, Policy 30,439..... | 1,268 49 |
| A. Minski, Policy 185..... | 33 32 |
| J. Quinlan, Policy 33,684..... | 1,750 00 |
| J. Quinlan, Policy 33,676..... | 12 50 |
| Arthur Leary, Policy 33,592..... | 2 30 |
| V. Tilyou Newborn, N. C..... | 109 31 |
| Oswego Normal School, Policy 83..... | 92 52 |
| W. F. Heins, adjusting..... | 66 83 |
| Hencke and Schrader, adjusting..... | 45 00 |
| E. R. Helmbold, adjusting..... | 78 23 |
| John Williams, adjusting..... | 10 41 |
| Lewis Williams, 3,071 Broadway..... | 1,611 08 |
| Rens. Park Asso., Troy, Policy 4,561..... | 1,030 00 |
| Patterson Stores..... | 112 50 |
| C. L. Skeels (Briggs. Bros.)..... | 78 54 |
| Hirsch Meyer, Policy 25,049..... | 2,040 83 |
| Baptist Society, Policy 52..... | 2,000 00 |
| W. P. Earle, Policy 33,382..... | 1,918 87 |
| H. S. Hannis & Co., Policy 1,111..... | 1,500 00 |
| H. S. Hannis & Co., Policy 1,107..... | 3,454 55 |
| Southworth and Rich, Policy 74..... | 454 55 |
| Philips and Liebenstein, Policy 136..... | 708 23 |
| D. McDonald, Policy 280..... | 705 62 |
| Near and Clow, Policy 2,562..... | 1,293 75 |
| M. M. Clinton, Canandaigua, N. Y..... | 4,936 97 |
| W. Herrick, Policy 126..... | 345 00 |
| Rodgers and Mitchell, Policy 1,114..... | 1,250 00 |
| L. Crowell, Policy 120..... | 950 00 |
| Elizabeth Russell..... | 1,900 00 |
| Stevenson and Bro., Newbern..... | 1,300 00 |
| Opal Glass..... | 1,800 00 |
| Eliza M. Smith..... | 3,886 00 |
| Old Colony Iron Co., No. 693..... | 675 00 |
| Total..... | \$53,542 93 |

RENT.

| | |
|--------------------|------------|
| John Anderson..... | \$2,250 00 |
| John Anderson..... | 2,250 00 |
| John Anderson..... | 1,572 59 |
| John Anderson..... | 2,450 00 |
| John Anderson..... | 750 00 |
| W. Whitney..... | 1,312 50 |
| John Anderson..... | 750 00 |
| John Anderson..... | 750 00 |
| John Anderson..... | 750 00 |
| W. B. Wright..... | 1,000 00 |

| | |
|--------------------|--------------------|
| John Anderson..... | \$750 00 |
| John Anderson..... | 625 00 |
| John Anderson..... | 1,125 00 |
| John Anderson..... | 750 00 |
| M. F. Hodges | 300 00 |
| John Anderson..... | 750 00 |
| John Anderson..... | 625 00 |
| John Anderson..... | 625 00 |
| John Anderson..... | 625 00 |
| John Anderson..... | 1,190 00 |
| Total..... | \$21,200 00 |

INTEREST.

| | |
|---------------------------------|-------------------|
| Eighth National Bank loan | \$774 90 |
| Eighth National Bank loan | 350 00 |
| M. B. Kitching..... | 350 00 |
| Total..... | \$1,474 90 |

SPECIAL LOAN.

| | |
|---------------------------|-------------|
| Eighth National Bank..... | \$10,000 00 |
|---------------------------|-------------|

EXPENSES.

| | |
|---|-----------|
| Stockholders meetings..... | \$21 70 |
| M. B. Champlin, Attorney-General..... | 250 00 |
| Insurance Department, annual statement | 20 00 |
| J. H. Coleman, referee, expenses and disbursements, C. R. Parker mortgage..... | 573 40 |
| J. H. Coleman, referee, fees | 200 00 |
| John Fowler, attorney and counsel to Baltic Insurance company (not to Receiver)..... | 4,398 26 |
| Valentine & Butler, safe..... | 228 00 |
| Fire patrol, assessment..... | 380 87 |
| Runkle & Flagg, attorneys, Troy, N. Y..... | 100 00 |
| Brown, Hall and Vanderpoel, counsel fees. | 10,141 52 |
| A. Monell, referee..... | 250 00 |
| George M. Kittrick, stenographer..... | 50 73 |
| Repairs to office, No. 1 Pine street..... | 14 51 |
| Taxes | 128 03 |
| Gas bills..... | 66 85 |

Advertising bills, viz.:

| | |
|---|---------|
| <i>New York Times</i> | \$23 40 |
| <i>Insurance and Real Estate Journal</i> | 33 33 |
| <i>New York Herald</i> | 6 20 |
| <i>Evening Post and Commercial Advertiser</i> | 7 20 |
| <i>Journal of Commerce</i> | 1 80 |
| <i>Evening Mail</i> | 3 00 |
| <i>Argus Company</i> | 9 85 |

| | | |
|-------------------------------------|--------|----------|
| <i>Transcript Association</i> | \$6 50 | |
| <i>Daily Register</i> | 14 00 | |
| <i>Albany Evening Journal</i> | 9 16 | |
| | <hr/> | \$114 44 |

| | | |
|----------------------------------|--|-------|
| Postage and revenue stamps..... | | 23 73 |
| Notary fees and commissions..... | | 18 45 |

Salaries (due by the company) :

| | | |
|--------------------|----------|----------|
| W. H. Kipp..... | \$467 46 | |
| J. Crossin..... | 284 08 | |
| W. J. Corwin..... | 178 43 | |
| H. C. Sageman..... | 208 34 | |
| J. S. Moore..... | 125 00 | |
| A. D. Miller..... | 66 66 | |
| F. W. Sageman..... | 41 66 | |
| W. H. Marsh..... | 41 66 | |
| W. Robinson..... | 15 00 | |
| | <hr/> | 1,428 29 |

Salaries (paid by Receiver):

| | | |
|--------------------------|----------|----------|
| F. W. Sageman..... | \$30 00 | |
| A. D. Miller..... | 416 63 | |
| H. Baker..... | 878 62 | |
| W. Wright..... | 2,100 00 | |
| W. C. Cooper..... | 3,300 00 | |
| | <hr/> | 6,725 25 |
| Postage and express..... | | 96 85 |

Stationery and printing bills :

| | | |
|--------------------|--------|--------|
| E. W. Sackett..... | \$1 60 | |
| W. H. Crocker..... | 155 84 | |
| Ink..... | 1 35 | |
| Pens..... | 45 | |
| Bowne & Co..... | 8 00 | |
| Arthur & Co..... | 1 05 | |
| Stationery..... | 6 86 | |
| Printing..... | 15 55 | |
| | <hr/> | 190 70 |

| | |
|--|--------|
| Janitor of office..... | 97 32 |
| Removing signs, furniture, books, etc..... | 30 12 |
| Traveling and sundry expenses..... | 830 17 |
| Rondout agent..... | 8 25 |
| Collecting..... | 3 00 |
| Burton & Gleany, sign..... | 11 00 |
| Locke & Monroe, gas fixtures..... | 16 65 |
| Wood..... | 2 00 |
| Locksmith..... | 2 50 |
| Coal..... | 10 75 |
| Washington Ice Company..... | 44 70 |
| B. C. Chetwood, referee, fee..... | 75 00 |

Total..... \$26,553 04

Total disbursements..... \$142,505 35

There have been no fees or payments made to the Receiver for his services as such Receiver.

Respectfully submitted,

WILLIAM H. KIPP,
Receiver.

(6)

ALBANY, *April 23d*, 1880.

HON. CHARLES S. BAKER, *Chairman Insurance Committee*:

SIR — I was appointed Receiver of the Beekman Fire Insurance Company of New York by Judge Cardozo in the year 1871.

The value of property on taking possession was estimated at \$229,203.50.

The amount realized up to January 1st, 1880, was \$236,357.50.

The amount paid out to January 1st, 1880, was \$235,020.27.

On the date above named I had also a claim for deficiency on a mortgage bond for \$4,000.

The dividends to policy holders amount to fifty per cent.

The fees allowed by the Court to Receiver, the counsel to Receiver, and legal expenses, was \$17,500.

Respectfully,

F. M. BIXBY.

(7)

BREWERS' AND MALTSTERS' INSURANCE CO., RECEIVER'S OFFICE, {
NEW YORK, *April 19th*, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Legislature State of New York, Albany, N. Y.*:

SIR — In compliance with your request I this day forward you a statement of my transactions as Receiver of the Brewers' and Maltsters' Insurance Company, which I trust will prove satisfactory. It has been delayed longer than I wished it to have been, but it has been unavoidable, inasmuch as I wished to make it as full as possible.

Yours truly,

PETER AMERMAN,
Receiver.

Brewers' and Maltsters' Insurance Company of the city of New York.
PETER AMERMAN, *Receiver.*

The undersigned was appointed receiver by Judge Noah Davis, on the 14th day of December, 1877, in a suit of Adolph Schalk against the Brewers and Maltsters Insurance Co. By direction of the court I made an inventory of the assets and liabilities of the company, to December 31st of that year, and Judge John R. Brady, on the 27th of December, 1877, appointed Richard Busteed, Esq., to examine and report on the same.

The appraised value of assets was stated to be:

| | |
|--------------------------|--------------|
| Considered good..... | \$128,322 03 |
| Considered doubtful..... | 46,016 53 |

\$174,338 56

| | |
|--------------------------------|-------------|
| The appraised liabilities..... | \$63,557 43 |
|--------------------------------|-------------|

The amount of Fire and Marine policies then unexpired, which had been re-insured in the Merchants Insurance Co., of Newark, and which the Brewers and Maltsters Insurance Co. were liable for in case of loss, was over ten millions of dollars. A large part of these, and all that were not on the eve of expiring, were called in and cancelled, the Merchants Insurance Co. substituting their policies for the same, and thus the Brewers and Maltsters Insurance Co. was relieved from liabilities to the above named amount.

The attorney employed on the part of the insurance company in this case was Theodore Arnold, and on the report of R. Busteed, referee, bearing date January 12, 1878, his report was confirmed and the appointment of the receiver was also confirmed by Judge George C. Barrett, who authorized the payment to T. Arnold, attorney in the case, the sum of \$642.50, out of which he was to pay R. Busteed, referee in the case, the sum of \$100.

| | |
|---|--------------|
| The total amount of cash realized by the receiver from December 14th, 1877, to April 15th, 1880..... | \$109,147 90 |
|---|--------------|

Disbursements as follows, for the same period.

| | |
|----------------------------------|-------------|
| To creditors of the company..... | \$63,881 51 |
|----------------------------------|-------------|

| | |
|--|------------|
| To I. W. Sanderson, referee, purchase-money of house and lot, 1601 Broadway, Brooklyn, E. D., bought in at foreclosure sale under mortgage held by the company..... | \$1,800 00 |
|--|------------|

| | |
|---|------------------|
| Same parties for repairs, taxes and insurance on said house..... | 654 63— 2,454 63 |
|---|------------------|

| | |
|--|-------|
| Merchants Insurance Co. of Newark, premium of insur- ance on property of C. Schalk, of Morrisania, on which the company held a mortgage in process of foreclosure. | 22 95 |
|--|-------|

| | |
|--|------------|
| \$5,000, U. S. Government bonds, 5 per cents '81, 104 $\frac{1}{4}$ | \$5,237 50 |
|--|------------|

| | |
|--|--------------------|
| \$2,000, U. S. Government bonds, 5 per cents '81, 102 $\frac{1}{4}$ | 2,045 00— 7,282 50 |
|--|--------------------|

| | |
|---|--------|
| Theodore Arnold, legal expenses, including \$100 paid R. Busteed, referee, by order of court | 642 50 |
|---|--------|

| | |
|--|--------|
| J. K. Hill and others, legal expenses in sundry suits, commenced before the appointment of receiver.. | 504 01 |
|--|--------|

| | | |
|--|----------|-------|
| To Kennedy and Tracy, Syracuse, legal ex- penses in suit of T. Sheedy against the Re- ceiver for payment of loss on cargo insured by the company..... | \$120 00 | |
| To S. M. Parsons, legal expenses in same... | 31 34 | |
| | | <hr/> |

\$151 34

| | | |
|--|--|-------|
| To P. Potts, traveling expenses in suit of Madden against Mechanics and Traders Ins. Co., in which the Brewer and Maltsters Co. were interested..... | | 12 50 |
|--|--|-------|

EXPENSES PAID BY RECEIVER, VIZ. :

| | | |
|--|------------|-------|
| To bookkeeper, clerks and janitor to May 1, 1878..... | \$1,956 16 | |
| To bookkeeper, clerks and janitor from May 1, 1878 to June 1879..... | 1,315 00 | |
| To bookkeeper for traveling expenses to, in and from Buffalo | 80 75 | |
| To sundries for advertising and printing legal and other notices | 142 18 | |
| To Mercantile Safe Dept. Co., 3 years rent of safe to Jan. 1881..... | 105 00 | |
| To N. Y. Gas Co., for gas from December 1877 to May 1878..... | 78 25 | |
| To sundries for stationery.... | 41 02 | |
| To sundries, collector's fees for collecting ac- counts | 146 17 | |
| To Homer Morgan, Commissioner for renting office, 139 Broadway..... | 30 00 | |
| To boxes for packing account books, papers and documents, storing and carting the same | 57 53 | |
| To office rent for March and April, 1880.... | 21 00 | |
| To postage, telegrams, expressage, car fare, ferriage, affidavits and all other expenses.. | 79 24 | |
| | | <hr/> |

4,052 30

In March, 1879, the Receiver applied to the court for permission to pay a dividend to the stockholders of 10 per cent on the ground of a statement made by him of the condition of the property in his hands, which application was granted, and an order given by Judge Geo. C. Barrett, dated April 9, 1879, permitting such dividends to be paid on the 6th day of May, 1879, which amounted to the sum of

20,000 00

On application of the Receiver to the court for a general accounting to be made of his transactions and of the condition of the company, the accounts were made to May 1, 1879, and submitted to Judge Donohue of the Supreme Court, who appointed Wm. A. Boyd, Referee, to examine the same, the papers submitted to him being copy of inventory as taken Dec. 31, 1877 and May 1, 1879; an account of all the receipts and disbursements of the Receiver for the 14th Dec., 1877, to May

1, 1879, with the vouchers and necessary proofs, a report of which was made to the court by said referee; whereupon the Receiver was ordered to pay James M. Lewis, counsel to the Receiver, in addition to the sum of \$750, embraced in the Receiver's account.....

| | |
|--|----------|
| | \$750 00 |
| The sum of \$2,750 | 2,750 00 |
| To W. A. Boyd, Referee, the sum of | 1,000 00 |
| To P. Amerman, Receiver | 3,529 00 |

And the Receiver has also paid to his counsel, James M. Lewis, for legal services, since the report of W. A. Boyd, the sum of \$500, the said J. M. Lewis having been the counsellor and adviser of the Receiver during the entire term of his action as such.

| | |
|-------------------------------------|--------------|
| Total amount of disbursements | \$107,533 24 |
|-------------------------------------|--------------|

| | |
|------------------------------------|------------|
| Leaving a balance on hand of | \$1,614 66 |
|------------------------------------|------------|

ASSETS IN HAND OF RECEIVER APRIL 15, 1880..

| | |
|--|-------------|
| U. S. Gov. bonds, currency 6 per cent par value | \$25,000 00 |
| U. S. Gov. bonds, currency 5 per cent, 1881, par value.. | 2,000 00 |
| Cash on deposit in Mercantile Nat. Bank ... | \$1,608 39 |
| Cash on hand | 6 27 |
| | 1,614 66 |
| House and lot No. 1601 Broadway, Brookly, value..... | 2,200 00 |
| Other amounts estimated to be good | 3,793 21 |
| Other amounts estimated to be of doubtful value | 57,225 85 |
| | \$91,833 72 |

LIABILITIES APRIL 5, 1880.

There are seven law suits pending in which the company is interested, one of them in the U. S. Supreme Court, and three others in U. S. District Courts. One recently appealed to the U. S. Circuit Court, in consequence of which the legal expenses which the Receiver will have to pay, cannot be estimated. There are also several disputed claims not yet adjusted, but the estimate of liabilities may be set down at \$10,000.

All of which is respectfully submitted to the Insurance Committee of the Legislature of the State of New York by

PETER AMERMAN,

Receiver of the B. & M. Ins. Co.

N. Y., 189 Broadway, room No. 7, April 19, 1880.

(8)

NEW YORK, April 15, 1880.

HON. CHARLES S. BAKER, *Chairman Committee on Insurance of the Assembly:*

SIR—In response to your circular, dated April 5th, which was however received on the 13th inst., I enclose you a statement giv-

ing the information asked for, in the order in which it is contained in the resolution. As regards the inquiry of "the total expenditures by his receivership," I have given the expenditures made by me for the purpose of carrying out the receivership, not the payments made by me in consequence of contracts by the company.

This I understand to be what you desire. I shall be happy to send you further particulars if you wish them, including a copy of my accounts in full, the same having been prepared for my final accounting.

Yours, very truly,

WM. R. FOSTER.

Statement of the Receiver of the Corn Exchange Insurance Company to the Committee on Insurance of the Assembly :

1. Date of appointment — December 2d, 1872.
2. Name of Receiver — William R. Foster.
3. Appointed by Judge William H. Leonard.
4. Appraised value of assets at time of appointment — \$264,700.48.
5. Amount realized by receiver from conversion of the assets — \$295,657.42, to be increased by about \$400, unliquidated.
6. The amount now on hand — \$4,454.42.
7. All of said amount is deposited with the Union Trust Company of this city.
8. Interest is now paid on such deposit at the rate of 3 per cent. per annum. It has varied from 2½ to 4 per cent.
9. All policy holders have been paid in full.
10. Total expenditures by said Receiver (except losses or other debts of the company, dividends to stockholders, etc.), the persons to whom payments were made, fees, etc.

| | |
|---|-----------|
| Salaries paid for one month to president, secretary and clerks of the company..... | \$886 66 |
| Office rent and rent of building formerly occupied by company, deducting rents received from under tenants until sale of lease..... | 5,300 00 |
| Janitor | 56 31 |
| Salary of clerks..... | 4,095 00 |
| Printing and advertising..... | 208 95 |
| Office expenses, furniture, etc..... | 793 45 |
| Filing reports..... | 20 00 |
| Fees to T. F. Wentworth, referee, by order of court.... | 420 00 |
| Fees paid to W. R. Foster, Jr., attorney of Receiver, by order of court..... | 7,500 00 |
| Fees of Receiver, by order of court, 5 per cent..... | 14,796 00 |
| Other expenses. | 130 48 |

WM. R. FOSTER,
Receiver.

April 15th, 1880.

(9)

OFFICE OF RECEIVER OF FARMERS' JOINT-STOCK INSURANCE Co., }
MERIDIAN, N. Y., April 14th, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly,*
Albany, N. Y.:

SIR — Your circular dated 5th inst., containing resolutions by the Assembly requiring reports upon receiverships, was received yesterday. As the case of this company differs from that of most other companies in the hands of a receiver, I take the liberty (with a view to avoiding clerical work) to make a statement varying somewhat from the requirement. Upon an examination of the company's affairs by the Insurance Department, in February, 1877, its capital stock was declared impaired to the amount of fifty thousand dollars (\$50,000), and an assessment to that amount was ordered by the Superintendent. The assessment was fully paid within the specified time, and the same approved by the Superintendent. The company thus strengthened could have resumed business, but upon consultation the stockholders decided to cease issuing policies, and by resolution of the board of directors the company was dissolved, and I was nominated as receiver to wind up its affairs. I received my appointment as Receiver from the Hon. Charles C. Dwight, Justice of Supreme Court, on the 13th day of April, 1877.

The gross assets of the company transferred to me by its officers on the 18th day of April, 1877, amounted to the sum of \$218,510.15.

The incurred liabilities at that date, for unadjusted losses, loss claims in litigation and other debts were not estimated by the officers of the company, but amounted to about \$15,000. Estimate for re-insurance reserve, as per department examiners, \$119,000.

As a further report made under the requirements of the resolution, I abstract from the report made to the stockholders by a committee appointed by them to examine the affairs of the receiver. Said report covers all transactions to the first of April, inst., viz. :

| | |
|--|---------------------|
| Assets transferred to Receiver April 18, 1877..... | \$218,510 15 |
| Received upon effects not included in inventory of assets, | 2,244 62 |
| Premiums received on accounts, notes and bills..... | 10,600 79 |
| Interest received from all sources..... | 19,813 68 |
| Received for rent | 231 34 |
| Total receipts | <u>\$251,400 58</u> |

DISBURSEMENTS.

| | |
|--|-------------|
| For losses..... | \$50,434 00 |
| For salaries and fees, clerks and agents..... | 6,480 97 |
| For legal costs of litigation and receivership..... | 6,101 17 |
| For printing, advertising, postage, etc..... | 499 19 |
| For taxes..... | 472 90 |
| For assessment on capital stock, returned to stockholders, | 50,000 00 |
| For interest thereon..... | 2,553 36 |

| | |
|---|-------------|
| For premiums returned policy-holders | \$12,090 07 |
| Shrinkage and rebates on inventoried assets | 2,187 50 |
| | <hr/> |
| | \$30,819 16 |

| | |
|--|--------------|
| April 1, 1880. Balance | \$120,581 42 |
| April 1, 1880. Assets as per Schedule "A," | \$121,138 17 |

To balance. Items in above stated assets not included
in inventory, viz.:

| | |
|-----------------------|----------|
| Oswego real estate .. | \$400 00 |
| Safes, etc | 50 00 |

| | |
|--------------------------------|----------|
| | <hr/> |
| | \$450 00 |
| Excess not accounted for | 106 75 |

556 75
\$121,138 17

The showing in schedule of assets following has not since changed except by transformation of securities — payments received on mortgages, notes, etc., and bank account correspondingly increased. Liabilities to policy-holders terminated 18th of February last, and other liabilities (except to stockholders) are, so far as known, fully covered by the estimate, \$3,250. I am arranging for a final dividend of assets, to be made at the earliest moment practicable. The rates of interest received on securities are given as nearly as may be in the schedule, in red figures.

"A" Assets, April 1st, 1880:

Real Estate.

| | |
|--------------------------|------------|
| In Oswego city | \$400 00 |
| In Wolcott village | 1,000 00 |
| | <hr/> |
| | \$1,400 00 |

Bonds and Mortgages.

| | |
|---|-----------|
| Unpaid principal, 7 per cent | 68,232 22 |
| Interest accrued thereon | \$545 05 |
| Interest due thereon, (stock mortgages) | 7,217 04 |
| | <hr/> |
| | 7,762 09 |

Cash.

| | |
|--|------------|
| In office | \$1,912 18 |
| In Cayuga County Nat'l Bank, 3 per cent ... | 19,184 81 |
| In Onondaga Co. Savings Bank, 4 per cent .. | 1,700 00 |
| | <hr/> |
| | 22,796 99 |
| Loan and deposit accounts with stockholders, credit balance, mostly 7 per cent | 7,932 34 |
| Notes, principally of stockholders, mostly 7 per cent | 10,730 29 |
| Agents' balances | 2,234 24 |
| Safes, etc | 50 00 |

Total

\$121,138 17

LIABILITIES.

Compensation of receiver by agreement, (total). \$3,000 00
 Claims against receiver, estimated 250 00

\$3,250 00

Deductions.

From notes 3,369 30
 From mortgages 1,305 73
 From agents' balances 2,213 14

\$10,138 17

Net assets, April 1st, 1880 \$111,000 00

Respectfully,
 MARCUS D. DREW,
Receiver of Farmers Joint Stock Insurance Co.

At a Special Term of the Supreme Court, held at the court-house in the city of Auburn, on the 19th day of April, A. D. 1880.

Present, Hon. C. C. Dwight, Justice.

In the matter of the petition of Marcus D. Drew as receiver of the Farmers Joint Stock Insurance Company of Meridian, N. Y.

On reading and filing the petition of Marcus D. Drew, dated April 19th, 1880, and the accompanying account of the receiver and report thereon by a committee of the stockholders, on motion of S. E. Payne, of counsel for said receiver, ordered that said receiver forthwith distribute one hundred thousand dollars of the assets of said company remaining in his hands, among all the stockholders of said company, *pro rata*, according to the amounts of stock severally held by them. And it is further ordered that upon said petition and other papers, the said several stockholders of said company show cause at a Special Term of this court appointed to be held at the court-house in the village of Canandaigua, in and for Ontario county, on the tenth day of May next, at the opening of the court, or as soon thereafter as counsel can be heard, why an order be not made, allowing the accounts of said receiver as presented; and also directing said receiver to distribute the surplus in his hands among the stockholders of said company as provided in a resolution adopted at a meeting of the stockholders March 16th, 1880, to wit, seventy-five per centum of the said surplus to the holders of the fifty-thousand dollars of the original stock, and the balance, twenty-five per centum thereof to the holders of the balance of said capital stock, viz., the \$50,000 dollars issued after January 1, 1867, and such other or further and different order and relief in the premises, as to the court shall seem meet.

And it is further ordered that this order be published in the Auburn Weekly Journal once in each week for three successive weeks, commencing April 21st instant; and that a copy of this order be served by mail on each of said stockholders, directed to them at their several places of residence, on or before April 24th instant.

(A Copy)

S. J. WESTFALL,
Clerk.

(10)

NEW YORK, April 20, 1880.

Hon. CHARLES S. BAKER, *Chairman of Insurance Committee*:

SIR — Your circular letter of the 5th inst. is received, and in reply I herewith enclose a statement in answer to the various interrogatories as to the Receivership of the Fulton Fire Insurance Company, and shall be happy to furnish any further information that may be desired.

Respectfully yours,

JNO. M. FURMAN,
Receiver.

Name of Receiver — John M. Furman.

Appointed by Judge J. W. Gilbert.

Date appointed — October 14, 1871.

Value of assets appraised by Receiver — \$265,954.38.

Amount realized — \$304,218.42.

Amount in Receiver's hands — 9,117.97, which is not deposited on interest, but held to pay dividends on claims (\$2,000.28), and claims for unearned premiums (\$7,117.69) not yet called for, but which are payable on demand.

Amount of dividends paid policy holders — On claims for losses, \$197,285.84, or 22½ per cent.; on claims for unearned premiums, \$40,628.68, or 100 per cent.

TOTAL EXPENDITURES OF RECEIVERSHIP.

| | |
|--|------------|
| Lee & Alvord, counsel for Receiver, retainer..... | \$1,000 00 |
| Sidney Ward, services in suit Hyde v. Fulton..... | 30 00 |
| Lee & Alvord, counsel for Receiver, allowance by order of Court..... | 4,500 00 |
| W. H. Clement, referee, allowance by order of Court.... | 1,500 00 |
| L. W. Russel, attorney for the Peshtigo Company and others, allowance by order of Court. | 500 00 |
| Thomas Fitzpatrick, claim compromised..... | 100 00 |
| Brownell & Lathrop, attorneys for Hall, Kimbark & Co. and others, allowance by order of Court..... | 300 00 |
| Smith & Woodward, attorneys for S. F. Hyde, allowance by order of Court..... | 357 10 |
| F. C. Bowman, attorney for Oliver Ditson and others, allowance and costs by order of Court..... | 320 00 |
| Carter & Eaton, attorneys for D. B. Fisk & Co. and others, allowance by order of Court..... | 1,750 00 |
| John L. Sutherland, attorney for R. H. Lawrence, allowance by order of Court..... | 1,500 00 |
| Sanford, Robinson & Woodford, attorneys for Stettaners & Heinem, allowance by order of Court..... | 100 00 |
| Brownell & Lathrop, attorneys for Hall, Kimbark & Co. and others, allowance by order of Court..... | 1,000 00 |
| Turner, Lee & McClure, Receiver's counsel, allowance by order of Court..... | 6,500 00 |
| James Emott, referee's fee..... | 100 00 |

| | |
|---|--------------------|
| W. H. Clement, referee's fee..... | \$100 00 |
| Rent, under leases..... | 8,300 00 |
| Rent, Receiver's office..... | 3,750 00 |
| Costs and disbursements in cases of litigated claims, for and against Receiver | 1,929 61 |
| Auctioneer's fees..... | 108 31 |
| Taxes | 1,069 89 |
| Advertising | 896 08 |
| Filing statements with Insurance Department..... | 60 00 |
| Clerk hire..... | 5,470 82 |
| Stationery, postage, expressage and small items..... | 728 09 |
| | <hr/> |
| | \$41,975 01 |
| Payment to Receiver, allowance by the Court, 5 per cent. on amount realized | 15,210 92 |
| | <hr/> |
| Total expenses of Receivership..... | <u>\$57,185 93</u> |

The Receiver's final account was made up to February 11th, 1878, presented to the Supreme Court and referred to a referee, and no expense has been incurred since that date, and no further expenses are expected to be incurred.

JNO. M. FURMAN,
Receiver.

OFFICE OF T. G. BARRY, }
NEW YORK, April 13, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany N. Y.:*

SIR — In reply to your circular of the 5th inst., requesting certain information from the Receivers of Insurance Companies, I beg respectfully to inform you that the Receivers of the Harmony Fire and Marine Insurance Company have rendered their final accounts to the Supreme Court, and have been discharged. They have rendered annual statements to the Insurance Department, whose files will afford the desired information. The total dividend paid to creditors amounts to 99 22-100 of their claims respectively.

Yours respectfully,
T. G. BARRY.

HOMESTEAD FIRE INSURANCE COMPANY, }
WATERTOWN, N. Y., April 14, 1880. }

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR — Your circular letter dated 5th April, post-marked Albany, 12th April, was received yesterday. I enclose herewith statement called for. The disbursements in detail cover eighty pages or more, and I can have them copied and sent to you if informed by you that it is necessary so to do. I also send you copies of circulars which I have

from time to time issued to the stockholders, and would call your attention to them. My reports are on file with the Superintendent of the Insurance Department for January 1, 1879 and January 1, 1880.

Very respectfully yours,

SMITH T. WOOLWORTH,
Receiver.

HOMESTEAD FIRE INSURANCE COMPANY, }
WATERTOWN, N. Y., Feb. 1st, 1879. }

To the Stockholders :

In order to show, as clearly as possible, to the stockholders of the Homestead Fire Insurance Company, what its income and expenditures were while doing business; what its condition was when it stopped business at the beginning of the year 1878; and also its present condition, I have prepared the following statements.

The first statement is an exhibit of the receipts and disbursements of the company from April 24, 1873, to February 11, 1878, and is as follows :

RECEIPTS.

| | |
|--------------------------------------|--------------|
| Capital paid in by stockholders..... | \$200,000 00 |
| Gross premiums in 1873 | \$17,462 96 |
| do do 1874..... | 58,259 89 |
| do do 1875..... | 92,227 07 |
| do do 1876..... | 121,485 47 |
| do do 1877..... | 85,247 94 |
| | <hr/> |
| | 374,683 33 |
| Interest received in 1873..... | \$4,290 45 |
| do do 1874..... | 15,961 17 |
| do do 1875..... | 13,821 94 |
| do do 1876..... | 15,064 84 |
| do do 1877..... | 14,402 47 |
| Int. rec'd to Feb. 11, 1878..... | 1,223 48 |
| | <hr/> |
| | 64,764 35 |
| | <hr/> |
| Total receipts..... | \$639,448 68 |

DISBURSEMENTS.

| | |
|--|-------------|
| Salaries to officers and clerks in office | \$19,932 47 |
| Salaries to Executive Committee..... | 2,640 60 |
| Salaries to general agent and agents..... | 14,695 21 |
| Traveling expenses paid | 15,010 01 |
| Losses paid..... | 194,612 62 |
| Postage..... | 3,721 80 |
| Rent, fuel, lights, express, telegrams, &c | 3,122 54 |
| Interest paid | 3,734 16 |
| Exchange..... | 480 23 |
| Dividends paid to stockholders | 50,000 00 |
| Paid other insurance companies for re-insurance..... | 2,971 19 |
| Stationery and printing..... | 8,106 73 |
| Return premium allowed on cancelled policies..... | 27,110 18 |

| | |
|-------------------------------------|---------------------|
| Commissions allowed to agents | \$60,829 21 |
| Furniture and fixtures | 465 00 |
| Taxes paid | 19,308 05 |
| Legal expenses paid | 3,131 34 |
| Total Disbursements | \$429,871 34 |

In 1877, the losses paid amounted to \$81,300; in 1876, \$42,200; in 1875, \$35,300; in 1874, \$4,800; and in 1873, \$600, besides which there has been paid in 1878, 14,600, for losses that occurred in the previous years; while on the first of January, 1879, there still remained losses unpaid or in suit against the company, which occurred previous to 1878, amounting to \$26,000.

In December, 1877, the company stopped doing business, having been ordered by the Superintendent of the Insurance Department to wind up. At the beginning of the year 1878, I find that the assets and liabilities of the company were as follows:

ASSETS.

| | Costs. | Estimated Value. |
|---|-----------|---------------------|
| Bonds and mortgages | \$168,800 | \$166,500 00 |
| Interest due on bonds and mortgages | | 7,500 00 |
| Farm in Steuben county, 163 acres | 6,400 | 3,500 00 |
| Due from agents on account: | | |
| More than 12 months past due | 14,700 | |
| More than 3 months past due | 5,200 | |
| Less than 3 months past due | 21,800 | |
| | \$41,700 | 27,000 00 |
| Agents' notes past due | 4,500 | 3,000 00 |
| Office furniture, &c | 500 | 200 00 |
| Cash in hands of treasurer | | 4,300 00 |
| | | \$212,000 00 |

LIABILITIES.

| | |
|---|---------------------|
| Borrowed money | \$11,500 00 |
| Taxes unpaid | 1,900 00 |
| Losses unpaid (paid in 1878) | 14,600 00 |
| Adjusting and traveling expenses (paid in 1878) | 1,000 00 |
| Fees and expenses, old suits (paid in 1878) | 4,000 00 |
| Estimated expenses closing old suits | 2,300 00 |
| Estimated loss on \$5,000 Agt's notes, indorsed by company and held by bank | 500 00 |
| Due for papers, periodicals and advertising | 100 00 |
| Due for interest, postage, etc | 100 00 |
| Losses resisted and in suit | 26,000 00 |
| Unearned premium on \$34,000,000 outstanding policies, | 105,000 00 |
| | \$167,000 00 |

As shown in the foregoing there was remaining for the stockholders, January 1, 1878, \$45,000 of the \$200,000 paid in, or 22½ cents on the dollar.

The following is a statement of the assets and liabilities on the 1st of January, 1879 :

| ASSETS. | | |
|---|--------------|--------------------------|
| | Cost. | Estimated value. |
| Bonds and mortgages and interest..... | \$129,000 00 | \$126,700 00 |
| Farm in Steuben county, 163 acres | 6,400 00 | 3,500 00 |
| Agents' notes and accounts..... | 29,000 00 | 10,000 00 |
| Office furniture..... | | 100 00 |
| Cash in hands of Receiver | | 12,300 00 |
| | | <hr/> \$152,600 00 <hr/> |

| LIABILITIES. | |
|---|-------------------------|
| Losses adjusted and unpaid..... | \$3,400 00 |
| Losses unadjusted, amount claimed | 2,100 00 |
| Losses in suit and resisted | 30,000 00 |
| Estimated legal expenses..... | 5,000 00 |
| Unearned premiums on \$16,000,000 outstanding policies..... | 35,000 00 |
| | <hr/> \$75,500 00 <hr/> |

The improvement in the condition of the company's affairs during the past year is largely due to the decrease in the fire losses, which in 1877 were nearly \$100,000, and in 1878 were about \$23,000 ; and also to the cutting off of salaries and traveling expenses, which were in 1877, respectively, \$11,600, and \$5,400, and in 1878 were \$2,300 and \$1,600.

In preparing these statements I have preserved as far as possible the figures in detail in the office, but could not well embody them in this circular.

Where estimates of value, etc., have been made, I have used my best judgment in the premises, and I have only aimed to give you some information respecting "Homestead" matters in the past and present.

Yours truly,

SMITH T. WOOLWORTH,
Receiver.

HOMESTEAD FIRE INSURANCE COMPANY,)
WATERTOWN, N. Y., January 30, 1880.)

SIR— It is now a year since I sent you circular letters containing statements of the "Homestead" affairs and asking an expression of your opinion in regard to re-insurance. I invite your attention to the statements herein contained ; and especially request that you notify me at once if you are at this time opposed to having a re-insurance effected of the outstanding policies of the company.

On the first of January, 1880, there appeared to be on the books in this office, policies in force to the amount of \$6,240,000, on which the unearned premium, or reserve, was \$7,700. Of this amount \$6,129,000 will expire during 1880; \$77,000 in 1881; and 34,000 in 1882. The number of policies in force is over four thousand, and they are widely distributed in several States, but mostly in the State of New York. I have no doubt that these risks can be re-insured for a sum not greater than \$5,000, and I believe that the wisest course to pursue is to secure such re-insurance, in some reliable company in good standing with the Insurance Department and approved by the court. The losses during the last year were about \$1,000 per month. What they may be hereafter can be estimated, but not positively foretold, as there is much of the chance element to be considered.

The assets and liabilities of the company January 1st, 1880, were as follows :

ASSETS.

| | Cost. | Estimated Value. |
|---|-----------|-----------------------|
| Bonds and mortgages and interest | \$111,700 | \$109,000 |
| Farm in Steuben Co., 163 acres | 6,400 | 4,000 |
| Farm in town of Hounsfield, 52 acres..... | 2,700 | 2,000 |
| House and lot in Watertown..... | 1,700 | 1,500 |
| Agents' notes and accounts..... | 24,000 | 5,000 |
| Office furniture..... | | 50 |
| Cash | | 13,950 |
| | | <hr/> \$135,500 <hr/> |

LIABILITIES.

| | |
|---|----------------------|
| Losses adjusted and unpaid | \$750 |
| Losses unadjusted, amount claimed | 750 |
| Losses in judgment, appealed or unsettled | 6,300 |
| Losses in suit..... | 10,350 |
| Losses claimed, resisted | 1,650 |
| State and county taxes, 1879 | 500 |
| Estimated costs in defending suits | 2,500 |
| Unearned premiums on \$6,240,000 outstanding policies.. | 7,700 |
| | <hr/> \$30,500 <hr/> |

Until all the unexpired policies are re-insured, or surrendered upon payment of unearned premium or otherwise, the business of the company cannot be closed, and as I have stated, all do not run out until the year 1882.

I am clearly of the opinion that it is better to re-insure, and by so doing accept a certainty for an uncertainty; and I shall at first opportunity report to the court and recommend that a re-insurance be obtained, unless I immediately learn, in writing from a majority of the stockholders, that they prefer to carry the risks longer or to their ter-

mination. When this large contingent liability is disposed of the closing of the business can be materially hastened. There would then seem to be no reason why a dividend should not be paid to stockholders very soon, and final adjustments and dividends made during this year.

Yours truly,
SMITH T. WOOLWORTH,
Receiver.

OFFICE OF THE RECEIVER OF THE HOMESTEAD FIRE INS. CO. {
WATERTOWN, N. Y., *January 15th, 1879.* }

SIR—I address you for the purpose of ascertaining your opinion, or desires, in regard to the unexpired risks, or policies, of the Homestead Fire Insurance Company. There remained in force on the first day of January, 1879, as shown by the records in this office, about eleven thousand policies, insuring \$16,000,000. The unearned premium or reserve on this amount (New York State Insurance Department rule) was thirty-five thousand dollars. Of the amount at risk, \$9,600,000 will expire during 1879; in 1880, \$6,300,000; and in 1881 and 1882 the balance of about \$125,000. The reserve, or unearned premium on the risks expiring this year is \$11,400; on the risks of 1880 the unearned is \$22,600; and on the policies of 1881 and 1882 the reserve is \$1,000.

The amount at risk January 1, 1878, was \$34,000,000, and the unearned premium thereon was \$105,500; consequently the reduction in the liability to unearned premium, or the reserve fund during the year was \$70,500. In the same time the losses occurring under the policies of the company have amounted to about \$23,000, or only one-third of the reduction in the liability, which is a small percentage of loss, and much less than the average experience of insurance companies when in good standing and doing business. Could all the remaining risks of the company be carried to their termination with losses proportionately small, it would cost only \$12,000 to \$14,000 to be thus relieved of liability on them. Should fires occur frequently to property insured under these policies, there might be losses exceeding the average proportionate amount, or even larger in the total than the \$35,000 reserve fund.

The important question to be decided is whether the risks shall be carried out or otherwise disposed of. If the policies are not allowed to expire they must be purchased of the parties holding them, who in such case have the right to require the payment of the unearned premium. The policies could, however, probably be taken up in this way for about \$20,000, which amount might be increased by losses occurring during this process of cancellation. The other way to be released from liability under the policies is by a contract of re-insurance to be made with other insurance companies or individuals. I have offers to re-insure from responsible parties, and believe such re-insurance can be effected satisfactorily to the court and to you, from the first of this month, at from \$18,000 to \$22,000.

By re-insuring, the uncertainty as to the result in final settlement of company's affairs would be greatly lessened, and the closing of the

business probably hastened. In order that I may know your wishes in the premises, and report to the court, please inform me by mail or in person, promptly, what, under the circumstances, you would like to have done with the outstanding policies of the "Homestead" Company, and oblige,

Yours truly,
SMITH T. WOOLWORTH,
Receiver.

Report of S. T. Woolworth, Receiver of the Homestead Fire Insurance Company of Watertown, N. Y., to Charles S. Baker, Chairman Insurance Committee.

Appointed February 8, 1878, by James Noxon, Justice Supreme Court.

ASSETS AT TIME OF APPOINTMENT.

| | |
|--|--------------|
| Bonds and mortgages, at face value..... | \$158,221 94 |
| Agents' accounts and notes, \$44,455.42; appraised value | 22,000 00 |
| Farm in Steuben county. Cost \$6,447.50. Valued at.. | 3,500 00 |
| Office furniture, etc..... | 160 00 |

\$183,881 94

Total amount of money received..... \$116,836 28

Amount of money in hands of Receiver, \$48,691.05, deposited as follows:

| | |
|---|-------------|
| At Jefferson County National Bank, Watertown, N. Y. | \$28,391 05 |
| At National Union Bank, Watertown, N. Y..... | 6,000 00 |
| At National Bank and Loan Company, Watertown, N. Y. | 4,000 00 |
| At Merchants Bank, Watertown, N. Y..... | 4,000 00 |
| At First National Bank, Carthage, Jefferson County | 6,000 00 |
| Deposited with Reynolds at Kittanning, Pa., to secure him for signing bond..... | 300 00 |

Amount (not on interest)..... \$48,691 05

MONEY DISBURSED BY RECEIVER.

| | |
|--|-----------------|
| Paid fire losses..... | \$43,987 87 |
| Paid unearned premiums on cancelled policies..... | 239 80 |
| Paid for work in office..... | 2,787 29 |
| Paid for adjusting losses and settling agents' accounts.. | 3,127 86 |
| Paid for office expenses, rent, fuel, gas, telegraph, stationery, etc..... | 597 88 |
| Paid law expenses — | |
| F. W. Hubbard, attorney for Homestead Insurance Company..... | \$6,000 00 |
| John Lansing, attorney for Receiver.... | 1,300 00 |
| Sundry attorneys and other legal expenses..... | 2,083 88 |
| | <u>9,383 88</u> |

| | |
|--|-------------|
| Paid taxes, state, county and local | \$1,803 53 |
| Paid for periodicals received by company prior to February, 1878..... | 52 47 |
| Paid agents for balance due them on account..... | 199 66 |
| Paid J. E. Green, old account against company..... | 22 00 |
| Paid Agricultural Insurance Co., for balance of account and reinsurance cancelled..... | 848 33 |
| Paid S. T. Woolworth on account of services as receiver | 1,000 00 |
| Paid Allen C. Beach for loan to company..... | 1,076 21 |
| Paid National Union Bank for account and past due notes | 2,926 37 |
| | <hr/> |
| | \$68,053 35 |
| | <hr/> |

Dated WATERTOWN, N. Y., *April 14*, 1880.

OFFICE OF THE IRVING INSURANCE COMPANY, }
NEW YORK, *April 14th*, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.*:

SIR — Inclosed please find statement in reference to the affairs of the Irving Fire Insurance Company, in my hands as Receiver.

Without ascertaining the precise amount I may say that there are claims for return premiums on policies cancelled yet unpaid amounting to about \$3,000.

Very respectfully yours,

MARTIN L. CROWELL.

Receiver.

Statement of the Receiver of the Irving Fire Insurance Company of the City of New York, in answer to resolution of the Assembly of the State of New York, passed March 30, 1880.

The Receiver of said company was appointed on the 19th October, 1871.

The Receiver is Martin L. Crowell.

Appointed by Judge D. P. Ingraham.

Value of the assets of said company, as made by the Receiver, \$300,423.20.

| | |
|---|--------------|
| Amount realized from the conversion of said assets..... | \$312,688 29 |
| Interest accrued after date of appointment..... | 11,957 02 |
| Premiums on gold received for interest..... | 559 68 |
| Received for returned premiums on policies of re-insurance cancelled..... | 144 73 |

| | |
|----------------------------|--------------|
| Total amount received..... | \$325,349 72 |
|----------------------------|--------------|

| | |
|--|------------|
| Cash now on hand, not at interest..... | \$3,399 35 |
|--|------------|

| | |
|--|--------------|
| Amount of dividends paid to-policy-holders for losses... | \$246,934 69 |
| Dividends on miscellaneous claims..... | 281 16 |
| Percentage of dividends 45 per cent, amount paid to policy-holders for return premiums on cancelled policies | 38,058 12 |

EXPENDITURES BY RECEIVER PER ORDERS OF COURT.

| | |
|--|-----------|
| S. H. Hammond, Deputy Attorney-General, for costs in the order appointing Receiver..... | \$250 00 |
| Amount allowed Receiver..... | 16,263 41 |
| Amount allowed Edward Fitch for counsel fees..... | 8,500 00 |
| Amount allowed William G. Lathrop, Jr., and Walter S. Carter, counsel for appearing creditors | 1,000 00 |
| Amount allowed Henry E. Davies for referee fees..... | 1,000 00 |
| Drawing documents and filing statements in Insurance Department | 80 75 |
| Rosanna Rainsford, office rent..... | 5,475 00 |
| Owen W. Nalley, Janitor | 127 90 |
| James M. Wilson and William A. Magarical, for clerical services | 1,780 59 |
| John J. Bloomfield for stationery..... | 191 15 |
| S. Moore & Co., Chicago, and A. J. Winterton, New York, for services and expenses adjusting losses. | 1,250 74 |
| Traveling expenses of Receiver | 309 31 |
| Advertising, \$153.17; printing, \$32.50 | 185 67 |
| E. Franssen, expenses paying return premiums on cancelled policies | 26 16 |
| Postage stamps, \$46.70; postages, \$2.51..... | 49 31 |
| Revenue stamps, \$8; Telegrams, \$7.10..... | 15 10 |
| Express charges, \$26.80; newspapers, \$23.10..... | 49 90 |
| Gas bills, \$30; ice, 16.50 | 46 50 |
| Book case, \$4; matches \$1..... | 5 00 |
| Appraising office furniture..... | 25 00 |
| Correcting insurance maps for sale..... | 42 50 |
| Repairs to iron safe and awning..... | 2 50 |

Total Payments..... \$321,950 37

MARTIN L. CROWELL,
Receiver.

NEW YORK, April 14th, 1880.

(14)

NEW YORK, April 14th, 1880.

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — At the request of Mr. Norwood, Reeiver of the Lorillard Insurance Co., we write in answer to your circular letter of April 5th, 1880. We have been Mr. Norwood's counsel throughout the receivership. He was appointed in 1871, and has from time to time regularly accounted to the court. His accounts were referred and allowed. The creditors were paid ninety cents on the dollar, and the only balance in his hands was retained under the order of the court to provide against some litigations pending in other States. He was appointed Receiver by the Supreme Court Oct. 17th, 1871, by Judge John R. Brady. The

other matters mentioned in your communication are, we think, shown fully and in detail in his reports filed with the clerk of this county.

We write in place of Mr. Norwood because he is and has been *very sick*, and confined to his house for twelve weeks past, and during that time has been, as he still is, wholly unable to attend to any business.

Respectfully yours,

NORWOOD & COGGESHALL

(15)

MANHATTAN INSURANCE COMPANY, }
NEW YORK, *April 17th*, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR—As requested by your favor of the 5th inst. (received the 13th), I herewith make answer to the resolutions adopted by the Assembly on the 31st ult., to wit:

Date of appointment of Receiver, January 23d, 1872.

Andrew J. Smith, Receiver, appointed by Judge J. W. Gilbert, Supreme Court, Kings county.

| | |
|---|----------------|
| Value of assets | \$1,142,083 58 |
| Realized | 1,142,083 58 |
| On hand and in United States Trust Co..... | 26,550 64 |
| Dividends to loss claimants, 51 per cent | 805,702 78 |
| Returned premiums, 100 per cent | 267,920 22 |
| Expenditures of receivership..... | 42,262 62 |
| Being as follows: Adjusting claims, advertising, post- ages, telegrams, stationery, lawyers' fees, rent, ref- eree's, traveling, Receiver's fees. | |
| To Receiver..... | 25,000 00 |
| Dividends unpaid..... | 982 50 |
| Returned premiums unpaid..... | 25,443 79 |
| Bills unpaid..... | 400 72 |

Respectfully yours,

ANDREW J. SMITH,
Receiver.

(16)

To the Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly, Albany, N. Y.:*

SIR—In reply to your communication of the 5th (received 13th), I have the honor to submit the following report:

I was appointed Receiver of the Oswego and Onondaga Insurance Company May 7th, 1878, by the Hon. Judge Milton H. Merwin.

The appraised value of assets that came into my hands was \$204,405.07, from which I have realized \$181,236.69.

| | |
|---|------------|
| I have cash on hand..... | \$6,303 45 |
| Paid demands against company due when appointed.... | 3,241 05 |

| | |
|--|--------------|
| Paid in settlement of losses | \$452 92 |
| Paid judgment in favor of J. Shipman..... | 2,549 39 |
| Paid taxes on real estate | 21 21 |
| Paid C. W. Avery, attorney of company, fees and costs in suits pending when I was appointed | 1,087 59 |
| Paid LeRoy Morgan, attorney appointed by Receiver... | 77 97 |
| Paid Judge Hand for arguing Shipman case..... | 75 00 |
| Paid N. M. White, attorney of Receiver..... | 1,076 34 |
| Paid expenses for labor and care of farm..... | 201 51 |
| Paid for rent of office occupied by company..... | 66 66 |
| Paid in settlement of lease of office..... | 400 00 |
| Receiver on account of fees and services..... | 2,000 00 |
| All other expenses | 145 60 |
| Loaned to stockholders which will be absorbed in next dividend..... | 950 00 |
| Paid stockholders 90 per cent dividend on \$182,820 (amo't outstanding stock)..... | \$164,538 00 |
| Less amount not called for..... | 1,950 00 |
| | <hr/> |
| | 162,588 00 |
| | <hr/> |
| | \$181,236 69 |
| | <hr/> |

No dividends paid to policy-holders, as all policies were re-insured.

In addition to cash on hand I have mortgages and stockholders' notes that are considered good to amount of \$21,004.25.

There are outstanding claims against the company to the amount of about \$8,000, which are in process of adjustment and settlement.

Very respectfully yours,

E. KIRBY WEST,

Receiver of Oswego and Onondaga Insurance Co.

BALDWINVILLE, N. Y., April 17th, 1880.

(17)

NEW YORK, April 15th, 1880.

Hon. CHARLES S. BAKER, *Chairman of Insurance Committee of
Assembly of New York State:*

SIR — Your letter to me, as Receiver of the Ridgewood Insurance Company of Brooklyn, only reached me this noon, and I immediately proceeded to prepare a statement in accordance with your request. I find, however, that I shall be unable to finish it to-day, having to leave town this afternoon to be gone until next Tuesday. On my return I shall hasten to send you what is required.

Yours respectfully,

WM. G. LOW,
Receiver.

NEW YORK, *April 20th*, 1880.

Hon. CHARLES S. BAKER, *Chairman Assembly Insurance Committee* :

SIR — In reply to your letter of the 5th inst., I submit the following:

The undersigned, William G. Low, is the Receiver of the Ridgewood Insurance Company of Brooklyn, with an office also at 178 Broadway, New York. He was appointed by Hon. Calvin E. Pratt, Justice of the Supreme Court.

The value of the company's assets was as follows :

Cash..... \$211,059 13

Two mortgages of \$7,000 each, in process of collection, on one of which \$2,000 of the principal has been paid.

The balance of this, \$5,000, should be collected, but it is feared that there will be a loss of from \$500 to \$1,000 on the other mortgage.

Two notes of Alfred A. Gallegher, one of \$122.08, and one of \$122.09.

Fifty (50) dollars has been paid on account of one of these notes. They are in suit, but are of doubtful value.

The Receiver has realized the \$211,059.13 in cash.

(Note) Two dollars and a quarter of the amount returned cash was received for the tin box at the Safe Deposit company's for which there was no further use.

He has now on hand, deposited in the Brooklyn Trust Company, \$13,769.05 and interest; in petty cash, \$4.26.

He has paid stockholders \$197,000.00 on a dividend of 100 per cent., three stockholders not having yet taken up their dividends.

He has also paid in unclaimed back dividends \$125.00.

Besides for publishing notice of appointment to the

| | |
|--|----------|
| <i>Albany Argus</i> | \$5 82 |
| To the <i>New York Times</i> | 105 00 |
| To the <i>Brooklyn Daily Eagle</i> | 41 40 |
| | <hr/> |
| | \$152 22 |

Incidental expenses:

| | |
|--|--------|
| Stamped check book..... | \$3 00 |
| Cartage of papers, &c..... | 1 75 |
| Printing postal card notices of distribution and postal cards for notices of distribution..... | 2 75 |
| Account book..... | 1 00 |
| Certified copy of order | 10 |
| | <hr/> |
| | \$8 60 |

The Receiver has received on account of his fees, under an order of Supreme Court, April 1, 1880, issued and filed in Kings county, \$2,000.00.

Very respectfully,

WM. G. LOW,
Receiver.

(18)

Report of the receiver of the Security (Fire) Insurance Co., of New York City, to the Chairman of the Insurance Committee of the Assembly, as per his request of April 5, 1880 :

Name, E. H. Wootton ; appointed Sept. 27, 1875, by Judge Donohue. Appraised value of assets, \$48,186.51 ; amount realized, \$48,469.77 ; now on deposit in the Chatham National Bank, \$1,191.87 ; in the Central Trust Company, \$5,000, at 3 per cent. interest ; in same company, \$6,000, at 2½ per cent. interest ; dividends paid to policy holders, 1½ per cent., \$23,766.01 ; there are about 12,000 claims, averaging about \$10.00 each in amount. Expenses: counsel, \$1,611.00 ; clerk, \$8,100 ; rent, heat and janitor, \$2,460 ; storage, \$500 ; railing, \$84.76 ; stationery, \$31.82 ; petties, \$41.00 ; fee of receiver, \$2,723.98 ; legal expenses, \$696.98, being paid to Williams & Thompson, Wm. G. Weed, G. W. Bates, J. R. Preston, and J. Sanford Potter, being for referee's fees, attorneys' fees, and for disbursements. Persons to whom payments were made other than as above specified were claimants holding policies at the time of the Chicago fire, which fire in 1871 was the cause of failure.

Respectfully submitted,

E. H. WOOTTON.

(19)

NEW YORK MINING STOCK EXCHANGE, }
NEW YORK, April 14th, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly, Albany, N. Y.:*

SIR — Your favor, dated April 5th, was delivered to me P. M. 13th, and the time stated is so short (15 days from April 5th) that I hasten to answer all I can from the dates at my hand (although unfortunately suffering with inflamed eyes that make extremely difficult to-read or write) viz.:

1. I, Geo. B. Satterlee, was appointed receiver of the Washington Fire Insurance Co., of New York (bankrupted by the Boston fire) on the 16th day of November, 1872, at a special term of the Supreme Court, Hon. E. L. Fancher, Justice.

2. The appraised value of the assets was..... \$194,921 15

3. The realized amounts have been..... 198,242 97

4. The amount of money on hand (in receiver's) is... 93 75

5. The receiver's fees have been..... 8,822 75

6. The policy holders received 50 per cent. on the 18th day of March, 1873 (say four months from date of receivership). On May 15th, 1873, 10 per cent. more was paid (being within six months of date of receivership).

This aggregate of 60 per cent. covers, with the return premium claims and other debts of the company, the distribution of available assets.

On the 30th day of December, 1873, the court held an accounting, and the total receipts from assets to

| | |
|---|--------------------|
| Dec. 31 were..... | \$188,754 65 |
| Total payments to date Dec. 31, 1873..... | 172,883 86 |
| Balance..... | <u>\$15,870 79</u> |

(Leaving accounts uncalled for.)

| | |
|--|--------------------|
| During three months to March 31, 1874, there was paid to policy holders..... | <u>\$11,037 58</u> |
|--|--------------------|

The above mention of payments to policy holders, refers only to claimants by fire loss under policies; the payments for return premiums formed the bulk of the other disbursements, which with clerical and legal expenditures make the remainder of disbursements.

The estate was practically disbursed at the time, and has been kept open to attempt the collection of doubtful assets and pay the uncalled for dividends, both of which formed a small percentage on the estate. The accounts covering the above figures were proved and filed six years ago, and even by retaining an accountant it seems hardly possible at this day to give the details as to whom payments and expenditures were made. I will state, however, that excepting \$3,191.80 paid for back taxes, every expenditure, beyond the receiver's fee, was for legal and clerical expense in direct necessity of collection and disbursement, and for no other purpose.

With much respect, your obedient servant,

GEO. B. SATTERLEE,

Receiver W. F. I. Co.

The following documents, numbered from 1 to 10, inclusive, are all the reports submitted by receivers of insolvent life insurance companies, and are arranged in the order stated in Exhibit "A" annexed to the committee's report:

(1)

RECEIVER'S OFFICE, 58 BROADWAY, }
Room 25, April 15, 1880. }

HON. CHARLES S. BAKER, *Chairman Insurance Committee:*

DEAR SIR—Your enclosure, dated 5th inst., only reached me yesterday. I am having a detailed statement made as speedily as possible, and, on completion, will transmit the same. Meantime would say that I have already sent the Attorney-General a statement to 1st of the month, which no doubt could be seen. It is *exactly what* I shall send you.

Respectfully yours,

E. Z. LAWRENCE,

Receiver Am. Popular Life Ins. Co.

IN THE MATTER OF THE ATTORNEY-GENERAL VS. THE AMERICAN
POPULAR LIFE INSURANCE COMPANY.

*Receiver's Report from the date of Appointment June 20, 1877, to
April 24, 1880.*

ASSETS.

Bills Receivable.

| | Unavailable. | | Unavailable. |
|-------------------------|--------------|-----------------------|--------------|
| 219 Lee | \$268 60 | 249 Searles, A..... | \$13 23 |
| 221 Knight..... | 35 27 | 247 Stewart..... | 117 33 |
| 224 Brown..... | 26 89 | 246 Waterman..... | 130 00 |
| 226 Gettle..... | 83 85 | 341 Bates..... | 17 33 |
| 227 Southern | 113 85 | 342 Bates..... | 17 33 |
| 228 Newby..... | 19 00 | 343 Harrington.... | 17 50 |
| 229 Smith..... | 57 62 | 344 Gardner..... | 13 13 |
| 230 Badgely..... | 33 20 | 345 Dakin..... | 24 63 |
| 231 Sayre..... | 28 46 | 346 Dakin..... | 24 63 |
| 232 Sayre..... | 28 46 | 347 Dakin..... | 24 63 |
| 233 Sayre..... | 28 47 | 348 Simmons..... | 20 73 |
| 234 Baker..... | 14 06 | 349 Fiske | 9 28 |
| 235 Boyd..... | 76 17 | 350 Fiske | 9 27 |
| 236 Mooney..... | 17 21 | 351 Fiske | 9 27 |
| 237 Mooney..... | 17 21 | 352 Membert | 11 25 |
| 238 Mooney..... | 17 21 | 353 Membert | 13 50 |
| 240 Capen..... | 14 79 | 354 Francis..... | 13 87 |
| 241 Patten | 14 43 | 73 Gillies..... | 100 00 |
| 239 Sayton..... | 12 00 | 73 Hall | 265 92 |
| 264 Sweet..... | 21 25 | 144 Hall | 1,200 00 |
| 266 Clark..... | 34 76 | 244 Jones | 98 75 |
| 261 Richardson | 15 75 | 218 Runyon | 938 13 |
| 262 Wasgalt..... | 15 38 | 267 Tillinghast | 100 00 |
| 260 Wright..... | 25 63 | 204 Brainard | 50 00 |
| 259 Michel | 14 43 | 44 Hall ...\$342 02 | |
| 258 Boyd..... | 24 23 | P'd. on acc't. | |
| 257 Beattie..... | 114 15 | 142.02, 85.60, 227.62 | 114 40 |
| 256 Dean..... | 13 50 | Dep. with Gas L't | |
| 255 Dean..... | 6 75 | Co..... | 8 00 |
| 254 Auylin..... | 25 63 | 243 Knight | 110 65 |
| 253 Parker..... | 47 75 | 265 Holmes..... | 12 64 |
| 252 Brodhead..... | 111 24 | 355 to 389 inclusive, | |
| Bingham | 785 33 | and 143 to 1089 | |
| 251 Brodhead..... | 78 00 | inclusive..... | 12,767 86 |
| 250 Brodhead..... | 104 00 | Error No. C, 284... | 6 40 |
| 248 Searles, B. D., Jr. | 19 26 | 255 Knight..... | 24 49 |

Loans.

| | | | |
|--|------------|--|--------------------|
| | | | Unavailable. |
| Loan to John F. Trow, dated Dec. 31, 1873, against 320 shares U. S. Pub. Co..... | | | \$22,000 00 |
| Note of John F. Trow..... | \$7,500 00 | | |
| Less paid and indorsed thereon..... | 3,700 00 | | |
| | | | 3,800 00 |
| Note of R. S. Bingham, Dec. 30, 1871.... | \$1,713 03 | | |
| Less paid and endorsed thereon..... | 1,000 00— | | 713 03 |
| Total..... | | | <u>\$45,159 97</u> |

Bonds and Mortgages.

| | | | | | |
|--------------------|-------------|--------------------|------------|--|------------|
| | | Available. | | | Available. |
| R. P. Getty..... | \$10,000 00 | J. Edwards..... | \$1,500 00 | | |
| M. Morris..... | 10,000 00 | W. H. Melick..... | 1,750 00 | | |
| D. G. Gillies..... | 1,500 00 | Van Tassell. | 5,500 00 | | |
| W. Kerslake..... | 1,000 00 | M. L. Hopkins..... | 400 00 | | |
| E. Copeland..... | 1,200 00 | W. H. Melick..... | 380 00 | | |

Premium Notes.

| Policy. | Note. | Available. | Policy. | Note. | Available. |
|---------|------------|------------|--------------------|------------|------------|
| 4976 | 1171..... | \$91 81 | 8251-2 } 1133..... | | \$17 50 |
| 6306 | 1112..... | 101 33 | & 3 } | | |
| 6306 | 1129..... | 101 33 | 8278 | 1134..... | 17 50 |
| 6306 | 1130.. .. | 101 33 | 8511 | 1153..... | 10 25 |
| 6306 | 1131..... | 101 33 | 8519 | 1191..... | 8 75 |
| 6888 | 1142..... | 47 75 | 8519 | 1192 | 8 75 |
| 6912 | 1095..... | 37 00 | 8533 | 1158..... | 32 60 |
| 7105 | 1148..... | 43 75 | 8534 | 1157..... | 36 15 |
| 7105 | 1149..... | 43 75 | 8616 | 1190..... | 30 00 |
| 7181 | 1189..... | 14 06 | 8760 | 1123..... | 10 13 |
| 7273 | 1026..... | 9 87 | 8885 | 1144..... | 16 66 |
| 7381 | 1021..... | 14 25 | 8905 | 1025..... | 17 50 |
| 7491 | 1079..... | 10 00 | 8918 | 1017..... | 10 53 |
| 7498 | 1096..... | 26 25 | 8936 | 1120..... | 6 69 |
| 7765 | 1115..... | 11 92 | 8946 | 1032..... | 13 08 |
| 7861 | 1180..... | 11 10 | 8946 | 1033..... | 13 08 |
| 7765 | 1116 | 11 92 | 8957 | 1046..... | 9 37 |
| 7897 | 1193..... | 30 00 | 8967-8 | 1036..... | 29 15 |
| 7907 | 1183..... | 13 50 | 8970 | 1063..... | 6 63 |
| 7927-8 | 1186..... | 60 00 | 8984 | 1069..... | 10 81 |
| 7943 | 692..... | 250 00 | 9024 | 1077..... | 15 90 |
| 8046 | 1043..... | 15 00 | 9024 | 1078..... | 15 90 |
| 8050 | 1000..... | 11 10 | 9071 | 1101..... | 10 00 |
| 8077 | 1086..... | 17 50 | 9076 | 1092..... | 13 07 |
| 8078 | 1187..... | 30 00 | 9104 | 1139..... | 15 90 |
| 8100 | 1121..... | 15 90 | 9104 | 1140..... | 15 90 |
| 8100 | 1122..... | 15 90 | 9104 | 1141..... | 15 90 |
| 3964 | 1182..... | 33 00 | 9150 | 1109..... | 17 69 |
| 7545 | 1087..... | 13 50 | 9150 | 1110..... | 17 69 |
| 8137 | 1132..... | 30 00 | 9155-6 | 1097..... | 30 00 |

| Policy. | Note. | Available. | Policy. | Note. | Available. |
|---------|-----------|------------|---------|------------|------------|
| 9159 | 1135..... | \$17 50 | 9562 | 1184..... | \$70 75 |
| 9168 | 1100..... | 38 25 | 9709 | 1188..... | 24 32 |
| 9171 | 1118..... | 53 09 | 9712 | 1160..... | 21 48 |
| 9207 | 1194..... | 4 83 | 2387 | 1181..... | 29 07 |
| 9207 | 1195..... | 4 83 | 9746 | 1175-6.... | 20 30 |
| 9207 | 1196..... | 4 83 | 9758 | 1159..... | 30 00 |
| 9207 | 1197..... | 4 83 | 9760 | 1173..... | 11 67 |
| 9207 | 1198..... | 4 83 | 9864 | 1202..... | 9 28 |
| 9207 | 1199..... | 4 83 | 9864 | 1203..... | 9 27 |
| 9207 | 1200..... | 4 83 | 9864 | 1204..... | 9 27 |
| 9207 | 1201..... | 4 83 | 9888 | 1177..... | 9 27 |
| 9209 | 1166..... | 21 08 | 9888 | 1178..... | 9 28 |
| 9209 | 1167..... | 21 08 | 9888 | 1179..... | 9 28 |
| 9209 | 1168..... | 21 08 | 9866 | 1205..... | 13 70 |
| 9225 | 1125..... | 9 27 | 9866 | 1206..... | 13 71 |
| 9225 | 1126..... | 9 27 | 9866 | 1207..... | 13 71 |
| 9225 | 1127..... | 9 27 | 9882 | 1210..... | 9 28 |
| 9076 | 1093..... | 13 07 | 9889 | 1211..... | 9 27 |
| 9262 | 1174..... | 333 90 | 9889 | 1212..... | 9 27 |
| 9280 | 1155..... | 20 46 | 9889 | 1213..... | 9 28 |
| 9425 | 1169..... | 19 46 | 7239 | 1214..... | 15 00 |
| 9425 | 1170..... | 19 45 | 9882 | 1208..... | 9 27 |
| 9446 | 1162..... | 20 00 | 9882 | 1209..... | 9 28 |

Premium Loans.

| | |
|----------------------------------|----------|
| W. J. Demarest, due bill..... | \$160 85 |
| Boston Advertiser, due bill..... | 972 64 |
| H. M. Fields..... | 172 75 |
| Nelson & Phillips..... | 772 72 |

\$

Various Individual Accounts.

| Unavailable. | | | |
|----------------------|----------|----------------------|----------|
| A. A. Gunn | \$453 35 | J. W. Barrett..... | \$396 44 |
| S. E. Morse, Jr..... | 6,708 96 | R. S. Bingham | 1,662 81 |
| S. R. Wells..... | 38 86 | W. A. Staples | 1 00 |
| E. S. Ralphs..... | 36 70 | I. F. Swords..... | 273 95 |
| Zions Herald | 383 75 | I. N. Shrouds | 44 75 |
| H. H. Ingalsbee.... | 63 64 | I. B. Sackett..... | 6,902 64 |
| W. H. Faulkner ... | 28 68 | W. I. Haight..... | 54 50 |
| J. E. Peck | 76 81 | L. Kehoe | 178 84 |
| C. A. Mattoon | 969 03 | L. E. Capen & Co . | 62 62 |
| I. G. McNutt..... | 269 77 | Geo. Bliss, Jr | 377 54 |
| J. S. Merriam | 573 22 | S. B. Hudson | 98 58 |
| I. Kingham | 34 04 | W. H. Moore. | 89 93 |
| Huntington | 36 94 | H. P. Ranger..... | 47 55 |
| I. H. Smith..... | 105 90 | A. I. Kittell..... | 1 11 |
| H. S. Magill..... | 180 72 | F. F. Dodge..... | 15 75 |

\$

Insurance Department.

| | |
|----------------------------|------------------------------|
| At Albany. U. S. Bond..... | Unavailable. \$102,060 00 |
|----------------------------|------------------------------|

Village of Salem Bonds.

| | |
|-----------------------------------|--------------------------|
| Original amount of bonds..... | Available. \$5,000 00 |
| Paid C. Hayner's death claim..... | 3,479 16 |
| | <hr/> \$1,520 84 <hr/> |

*Sundry Vouchers of Officers of the Company, and Others
for the "Cash Deficit."*

| | |
|--|----------------------------|
| Fifty-four checks of T. S. Lambert on Nat. Trust Co... | Unavailable. \$7,295 00 |
| Fifty-three checks of M. Morris on Nat. Trust Co | 6,500 00 |
| One check of J. H. Meech on Bank of Catskill | 500 00 |
| One Mems. Mtg. interest, M. Morris..... | 1,015 00 |
| One Mems. Mtg. interest, W. H. Melich | 13 30 |
| One Mems., T. S. Lambert, owes drawer..... | 19 29 |
| One Mems., paid for affidavit | 25 |

\$

Reserve Loan.

| Policy. | Available. | Policy. | Available. |
|------------|------------|----------------------|------------|
| 5805..... | \$273 49 | 6120..... | \$17 14 |
| 5806 | 410 23 | 6132..... | 120 17 |
| 5807..... | 160 51 | 6164..... | 87 11 |
| 5808..... | 160 62 | 6171..... | 84 55 |
| 5826..... | 36 35 | 6176..... | 72 97 |
| 5852..... | 71 22 | 6197..... | 61 60 |
| 5870..... | 41 97 | 6201..... | 35 12 |
| 5893..... | 202 51 | 6229..... | 51 41 |
| 5894..... | 1,479 41 | 6231..... | 78 96 |
| 5908..... | 21 18 | 6236..... | 210 38 |
| 5945..... | 534 30 | 6248 | 87 17 |
| 5946..... | 178 09 | 6256..... | 60 88 |
| 5965..... | 153 63 | 6267..... | 67 11 |
| 5968..... | 94 06 | 6269..... | 245 72 |
| 6009..... | 65 04 | 6277..... | 196 62 |
| 6020..... | 471 40 | 6288..... | 33 70 |
| 6024..... | 123 19 | 6306..... | 1,180 63 |
| 6029..... | 226 19 | 6337..... | 64 64 |
| 6039..... | 178 10 | 6342, 6384, and 6237 | 359 79 |
| 6042..... | 189 71 | 6429..... | 68 09 |
| 6044..... | 47 48 | 6438..... | 93 95 |
| 6054..... | 246 79 | 6440..... | 50 09 |
| 6069..... | 132 90 | 6483..... | 146 18 |
| 6087..... | 52 01 | 6484..... | 146 18 |
| 6096..... | 279 33 | 6485..... | 146 18 |
| 6109..... | 69 04 | 6486..... | 146 18 |

| Policy. | Available. | Policy. | Available. |
|-----------|------------|-----------|------------|
| 6487..... | \$146 18 | 8007..... | \$160 40 |
| 6569..... | 17 24 | 8023..... | 101 16 |
| 6656..... | 27 94 | 8042..... | 44 39 |
| 6684..... | 39 39 | 8052..... | 19 26 |
| 6702..... | 474 44 | 8062..... | 144 00 |
| 6705..... | 106 97 | 8064..... | 83 15 |
| 6707..... | 115 02 | 8071..... | 122 98 |
| 6730..... | 540 68 | 8075..... | 47 78 |
| 6791..... | 73 27 | 8088..... | 105 37 |
| 6795..... | 33 30 | 8098..... | 97 39 |
| 6833..... | 327 57 | 8111..... | 76 02 |
| 6928..... | 29 29 | 8114..... | 136 54 |
| 7184..... | 55 52 | 8135..... | 41 39 |
| 7221..... | 16 42 | 8136..... | 63 01 |
| 7222..... | 46 95 | 8151..... | 51 39 |
| 7223..... | 81 01 | 8183..... | 112 74 |
| 7224..... | 470 74 | 8264..... | 526 63 |
| 7225..... | 215 09 | 8282..... | 26 33 |
| 7231..... | 76 54 | 8283..... | 23 12 |
| 7232..... | 87 25 | 8313..... | 83 46 |
| 7260..... | 130 37 | 8411..... | 49 74 |
| 7280..... | 24 26 | 8413..... | 109 32 |
| 7332..... | 132 40 | 8414..... | 242 24 |
| 7372..... | 62 47 | 8522..... | 32 54 |
| 7377..... | 11 86 | 8544..... | 792 55 |
| 7410..... | 27 65 | 8598..... | 506 66 |
| 7543..... | 1840 11 | 8658..... | 256 68 |
| 7826..... | 85 55 | 8661..... | 168 78 |
| 7827..... | 33 33 | 8682..... | 225 26 |
| 7828..... | 22 67 | 8695..... | 917 45 |
| 7837..... | 31 55 | 8810..... | 75 95 |
| 7846..... | 47 90 | 8813..... | 122 05 |
| 7849..... | 177 68 | 8817..... | 44 04 |
| 7850..... | 44 05 | 8969..... | 37 69 |
| 7852..... | 589 94 | 8998..... | 23 10 |
| 7857..... | 47 45 | 9006..... | 73 69 |
| 7862..... | 127 81 | 9007..... | 190 43 |
| 7898..... | 340 52 | 9009..... | 306 31 |
| 7900..... | 50 51 | 9021..... | 131 13 |
| 7901..... | 308 61 | 9022..... | 90 15 |
| 7904..... | 315 20 | 9023..... | 182 40 |
| 7903..... | 79 19 | 9074..... | 58 74 |
| 7915..... | 32 06 | 9075..... | 80 27 |
| 7916..... | 349 10 | 9105..... | 244 30 |
| 7920..... | 640 37 | 9128..... | 628 40 |
| 7921..... | 26 84 | 9141..... | 43 83 |
| 7922..... | 254 34 | 9142..... | 3 54 |
| 7923..... | 115 82 | 9145..... | 74 99 |
| 7924..... | 118 76 | 9148..... | 110 61 |
| 7956..... | 511 97 | 9151..... | 187 42 |
| 7987..... | 124 57 | 9152..... | 254 16 |
| 7991..... | 142 29 | 9157..... | 165 13 |

| Policy. | Available. | Policy. | Available. |
|-----------|------------|-----------|------------|
| 9164..... | \$28 32 | 9554..... | \$44 35 |
| 9166..... | 223 89 | 9557..... | 36 83 |
| 9171..... | 146 30 | 9572..... | 824 40 |
| 9174..... | 178 50 | 9588..... | 56 09 |
| 9185..... | 559 75 | 9591..... | 101 74 |
| 9198..... | 78 14 | 9599..... | 137 63 |
| 9235..... | 138 94 | 9608..... | 167 35 |
| 9251..... | 331 34 | 9609..... | 34 74 |
| 9277..... | 187 42 | 9610..... | 144 54 |
| 9278..... | 68 80 | 9913..... | 271 07 |
| 9296..... | 262 84 | 9611..... | 86 60 |
| 9347..... | 90 63 | 9612..... | 216 50 |
| 9348..... | 205 82 | 9613..... | 84 87 |
| 9349..... | 51 18 | 9614..... | 83 01 |
| 9350..... | 54 35 | 9615..... | 85 31 |
| 9360..... | 173 47 | 9617..... | 182 76 |
| 9386..... | 130 26 | 9625..... | 35 20 |
| 9401..... | 38 85 | 9629..... | 31 86 |
| 9413..... | 141 57 | 9631..... | 163 17 |
| 9415..... | 37 34 | 9644..... | 100 21 |
| 9420..... | 132 96 | 9646..... | 77 83 |
| 9425..... | 293 71 | 9649..... | 332 40 |
| 9426..... | 214 74 | 9653..... | 37 05 |
| 9441..... | 68 31 | 9662..... | 294 76 |
| 9445..... | 176 69 | 9663..... | 34 62 |
| 9447..... | 80 22 | 9665..... | 178 96 |
| 9448..... | 42 19 | 9698..... | 177 27 |
| 9449..... | 127 49 | 9700..... | 269 82 |
| 9460..... | 29 04 | 9701..... | 70 24 |
| 9463..... | 193 38 | 6708..... | 140 80 |
| 9464..... | 173 13 | 9710..... | 163 73 |
| 9465..... | 179 08 | 9717..... | 102 05 |
| 9467..... | 138 04 | 9718..... | 20 03 |
| 9468..... | 141 49 | 9719..... | 62 71 |
| 9490..... | 162 52 | 9721..... | 6 21 |
| 9491..... | 474 98 | 9721..... | 34 48 |
| 9498..... | 149 81 | 9722..... | 98 10 |
| 9501..... | 81 22 | 9723..... | 89 07 |
| 9511..... | 604 83 | 9724..... | 101 64 |
| 9528..... | 125 68 | 9727..... | 149 80 |
| 9529..... | 727 04 | 9728..... | 119 04 |
| 9530..... | 116 28 | 9892..... | 71 35 |
| 9534..... | 59 94 | 9910..... | 70 39 |
| 9553..... | 317 77 | | |

\$

Cash.

| | Available. |
|-------------------------|------------|
| National Trust Co | \$1,783 93 |
| Bank of Salem | 393 39 |
| Currency..... | 120 00 |

| | |
|-------------------------|--------|
| Money order..... | \$7 53 |
| Check | 48 62 |
| Check | 20 83 |
| Check | 87 46 |
| Check | 162 72 |
| Post office stamps..... | 90 |

Apart from the foregoing assets, real and nominal, the Receiver has made collections for the benefit of the company from sources named as follows:

| | |
|--|----------|
| Collected from sale of furniture, etc., as per account sales of auction by R. V. Harnett, auctioneer, at 419 and 421 Broadway..... | 356 52 |
| Sale of re-insurance policy, per National Life Insurance Company for policy | 186 00 |
| Commissions allowed on renewal letter inclosing same, returned unopened..... | 173 00 |
| Rent arrears from sub-tenants Napier, \$20.83 ; Kendall, \$20.00 ; Roberts, \$95.83 ; Wright & Shandler, \$40.00... | 176 66 |
| Over due premiums collected..... | 6,266 38 |

| Available. | | Available. | |
|---|------------|---------------------|---------------------|
| Miscellaneous items, interest &c. collected | \$2,021 19 | L. M. Liddell..... | \$403 00 |
| Dividends recovered by legal process: | | C. E. Bulkley..... | 716 00 |
| H. Bradley..... | 76 94 | J. Cleveland..... | 403 00 |
| H. Waters | 101 51 | W. W. Shaap..... | 1,500 00 |
| C. F. Smith..... | 245 59 | A. Carter, Jr..... | 550 00 |
| E. H. Smith..... | 42 00 | J. Cruikshank..... | 100 00 |
| A. J. Reid..... | 245 00 | J. O. Woods..... | 150 00 |
| E. E. Milligan..... | 128 68 | Geo. Bliss, Jr..... | 1,226 62 |
| J. Cruikshank..... | 200 00 | Chas. McGregor... | 100 00 |
| C. L. Allen..... | 268 00 | E. W. Keyes..... | 300 00 |
| B. Cleveland | 313 00 | H. H. Van Duyck.. | 275 00 |
| L. Hatch..... | 358 00 | W. H. Dwinelle ... | 350 00 |
| G. L. Bulkley..... | 1,344 00 | M. P. Hastings | 150 00 |
| F. B. Salisbury..... | 1,120 00 | H. Seymour..... | 192 57 |
| J. King..... | 246 00 | F. Shonnard, exec.. | 1,215 44 |
| B. F. Bancroft..... | 3,619 00 | F. Shonnard..... | 742 77 |
| Mrs. Bancroft..... | 1 00 | C. Littlefield..... | 140 00 |
| Wm. McFarland... | 403 00 | F. B. Salisbury.... | 806 00 |
| | | | <u>\$110,421 65</u> |

Deduction.

| | |
|---|---------------------|
| Bills Receivable used in cancellation and settlement..... | \$1,618 20 |
| Various accounts compromised in settlement | 8,942 99 |
| | <u>\$10,561 19</u> |
| Available assets and income..... | 110,421 65 |
| Unavailable assets..... | 172,170 00 |
| | <u>\$282,591 65</u> |

Out of the aforesaid funds of \$282,591.65, disbursements have been made as follows:

| | |
|--|--------------|
| Collection fees paid Third National Bank on sundry out of town checks | \$16 30 |
| Office expenses, sundries, including stationers, printers, painter, carpenter, moving, etc. | 1,514 07 |
| Law expenses: | |
| Wingate & Cullen | 7,435 38 |
| Stenographer | 237 70 |
| Copyist | 28 80 |
| Payments: | |
| E. E. Milligan | 282 00 |
| A. J. Reid | 225 00 |
| E. G. Dumahant | 326 91 |
| D. E. Aiken | 238 06 |
| G. W. Brown | 190 00 |
| John Cromley | 823 34 |
| W. B. Lynch | 1,245 83 |
| Payments by order of court: | |
| Attorney-General | 1,000 00 |
| Superintendent of Insurance | 538 28 |
| W. A. Butler | 250 00 |
| E. E. Milligan | 435 55 |
| W. H. Knapp | 55 72 |
| M. Morris, Jr | 25 00 |
| H. Duchesme | 147 50 |
| S. Huntington | 90 49 |
| G. C. Dye | 242 50 |
| A. J. Reid | 295 00 |
| J. B. Thompson | 656 60 |
| W. R. Lum | 536 35 |
| Geo. Bliss, Jr | 4,076 62 |
| Ira D. Warren | 2,500 00 |
| H. L. Phalen | 1,034 00 |
| S. T. Massett | 2,070 00 |
| | <hr/> |
| | \$256 074 17 |

Assets.

| | |
|---------------------------------|-------------|
| Bills receivable | \$17,028 74 |
| U. S. Bonds | 102,060 00 |
| Loans | 26,513 03 |
| Vouchers for cash deficit | 15,342 84 |
| Bonds and mortgages | 5,880 00 |
| Reserve loan | 41,103 76 |
| Advanced due bills | 2,078 96 |
| Premium notes | 2,669 26 |
| Various accounts | 11,225 39 |

| | |
|---|--------------|
| R. P. Getty, judgment for deficiency..... | \$1,279 39 |
| M. Morris, judgment for deficiency | 4,726 83 |
| Cash | 26,165 97 |
| | <hr/> |
| | \$256,074 17 |

As per report passed by Supreme Court January 15, 1879.

Disbursements since accounting January 15, 1879. See above.

| | |
|--|--------------|
| Paid Wingate & Cullen, by order court..... | \$2,101 31 |
| Paid Wingate & Cullen, by order court..... | 500 00 |
| W. A. Boyd, referee..... | 750 00 |
| W. Linton, representing Attorney-General..... | 500 00 |
| Receiver on account of fees..... | 5,521 08 |
| Rent of office, one year..... | 580 00 |
| Salaries, office expenses, printing, postage, etc..... | 1,330 67 |
| Stenographer..... | 78 00 |
| Advertisement in <i>Daily Register</i> | 40 25 |
| Earll & Prescott, costs in foreclosure | 202 62 |
| R. E. Prime, returned premium paid under protest | 149 25 |
| Dividend used in making adjustment and balances due policy-holders: | |
| Reserve loans..... | 41,103 76 |
| Premium notes | 2,669 26 |
| Cash | 91,014 75 |
| Copying schedule to pay dividend by, etc., Schenck, Boune, Hayt, Lyle & Co..... | 149 35 |
| Globe Printing Co | 42 55 |
| Post office stamps, mailing notices..... | 60 00 |
| Check stamps..... | 36 00 |
| Janitor's fee, fire, cleaning office, etc..... | 40 00 |
| Clerk hire, etc., during payment of dividend: | |
| Lannahan | 112 00 |
| Allen..... | 135 00 |
| Horan | 187 33 |
| Rubber stamps..... | 1 50 |
| | <hr/> |
| | \$147,304 68 |

Recapitulation.

| | |
|--|--------------|
| Total receipts from different sources prior to Jan. 15, '79, | \$52,683 45 |
| Reserve loans, notes, etc..... | 43,773 03 |
| Received from Insurance Department..... | 92,806 95 |
| | <hr/> |
| | \$189,263 43 |
| | <hr/> |
| Disbursements prior to January 15, '79..... | \$26,517 48 |
| Disbursements to date..... | 147,304 68 |
| Cash in Third National Bank | 15,441 27 |
| | <hr/> |
| | \$189,263 43 |

Liabilities.

| | |
|--|---------------------|
| As per referee's report, December, '79..... | \$770,950 14 |
| Less dividend declared..... | 100,223 52 |
| | <hr/> |
| | \$670,727 62 |
| Disputed claims..... | 40,467 02 |
| | <hr/> |
| Total adjusted and unadjusted liabilities..... | <u>\$711,194 64</u> |

Assets on hand.

| | |
|---|--------------------|
| Bills receivable | \$17,028 74 |
| Loans..... | 26,513 03 |
| Vouchers for cash deficit..... | 15,342 84 |
| Bond and mortgage | 5,880 00 |
| Due bills advanced..... | 2,078 96 |
| Various accounts..... | 11,225 39 |
| R. P. Getty, judgment for deficiency..... | 1,279 39 |
| M. Morris, judgment for deficiency..... | 4,726 83 |
| Cash, Third National Bank..... | 15,441 27 |
| | <hr/> |
| Available and unavailable..... | <u>\$99,516 45</u> |

Appointed by Judge Westbrook June 20, 1877.

Commenced paying dividends January 31, 1880.

Total amount of dividend declared, \$100,223.54.

Paid amount up to date on account of said dividend, in cash, \$91,014.75.

NEW YORK, *April 26th*, 1880.

HON. CHARLES S. BAKER :

SIR — If any further information is required I shall be only too happy to furnish the same.

Yours truly,

E. J. LAWRENCE,
Receiver.

(2)

NATIONAL SHOE AND LEATHER BANK, {
NEW YORK, *April 16th*, 1880. }

CHARLES S. BAKER, Esq., *Chairman Insurance Committee, Albany, N. Y.:*

SIR — Your circular letter of the 5th inst. is received, and in answer to your questions I would say that I was appointed Receiver of the Asbury Life Insurance Company on the 29th day of September, 1874, at a special term of the Supreme Court held on that day in the city of Albany, Hon. C. R. Ingalls, Justice.

The appraised value of the assets of said company at the time of my appointment was \$186,341.36.

The amount realized from the conversion of said assets was \$169,038.22.

The amount now on deposit to the credit of the company in the National Shoe and Leather Bank of this city is \$7,582.23.

The amount of dividends paid to policy holders, so far, is \$129,035.65 (70 per cent having been declared on the claims against the company, proved before Theo. F. Miller, referee, amounting to \$193,671.68).

In addition to above the full amount of policy No. 6436, with interest, amounting to \$3,774.48, was paid by direction of the Court under an order dated May 2d, 1878).

The total expenditures by my Receivership (in addition to above) are as follows:

| | |
|---|--------------------|
| Paid for legal services and expenses in connection with suits, running over four years instituted for the purpose of obtaining possession of the funds (in hands of Superintendent of Insurance Department) for distribution among policy holders, also for expenses and salaries, stationery, etc..... | \$6,588 51 |
| \$4,794.75 of this amount was advanced by Receiver from private funds, and repaid him by order of Court dated May 2d, 1878, which order together with others subsequent thereto, authorizes the following payments: | |
| Paid counsel for Receiver, referee appointed by Court, actuary, clerks, the several lawyers in the case who appeared for various policy holders on appeal and to general creditors..... | 15,557 35 |
| Receiver's fees, for extra services..... | 6,500 00 |
| Total..... | <u>\$28,645 86</u> |

Very respectfully yours,

A. V. STOUT,
Receiver.

(3)

NEW YORK, April 24, 1880.

HON. CHARLES S. BAKER, *Chairman of Insurance Committee of the Assembly*:

SIR—In answer to the inquiries contained in your circular of the 5th inst., I beg leave to state—

I was appointed Receiver of the Commonwealth Life Insurance Company on the 25th day of March, 1875, by Mr. Justice Calvin E. Pratt.

The assets received by me were \$2,670.02 in cash, and securities of the nominal value of \$28,721.52. Realized from conversion of assets, \$8,275.18.

Money now on deposit with New York Life Insurance and Trust Company, on interest at 3 per cent., \$1,344.82, which is all the money I have.

A dividend to policy holders is now being paid by me, the rate is .028679 per cent.

Total expenditures, \$672.86, as follows :

| | |
|--|----------|
| H. F. Homes, clerk..... | \$200 00 |
| J. R. Whiten, porter..... | 10 00 |
| Chas. R. Wight | 30 00 |
| J. Wallace, services in case against E. C. Hine..... | 129 64 |
| Rodman & Adams, expenses foreclosure suit against Chas. F. Davenport, Elizabeth, N. J..... | 279 87 |
| C. D. Adams, per order of Court, on motions | 20 00 |
| Sundry disbursements | 3 35 |
| | <hr/> |
| | \$672 86 |

| | |
|---|----------|
| Commissions received by me as Receiver..... | \$503 91 |
|---|----------|

Respectfully yours,

THOMAS S. MOORE.

(4)

Report of the Receiver of the Continental Life Insurance Company.

Hon. CHARLES S. BAKER, *Chairman Insurance Committee*:

SIR—I have the honor to acknowledge the receipt of your committee's resolution, with the request that I should furnish you with the information therein asked for.

That I may fully meet the requirements of the resolution I deem it best to answer categorically and therefore would say, that I was appointed receiver of the Continental Life Insurance Company by the Supreme Court of the State of New York on March 31, 1877, but owing to some litigation raised by my predecessor, who was in possession of the assets of the company, I did not take charge of the office or the assets until July 10th of the same year.

The value of the assets at this time, according to the appraisement made in what is known as the Butler reference which took place shortly before my appointment was,

| | |
|--------------------------------|----------------|
| Known value..... | \$2,693,208 54 |
| Unknown or doubtful value..... | 2,564,624 00 |
| | <hr/> |
| Making a total of | \$5,257,832 54 |

The moneys realized by me with the amount of disbursements will be shown from the respective trial balances which I send you hereto appended.

By order of court all sums received by me exceeding \$10,000 were to be and were deposited in the United States Trust Company of this city for which I received two per cent interest up to December 19, 1879, since which time I have been receiving three per cent interest on the same.

Ten thousand dollars were allowed to be retained out of the Trust Company to meet the current expenses of the trust.

The amount of money distributed under order to pay dividend, as also the entire expenditure with the different items of it; the persons to whom payments have been made, and the purposes for which they were made and the compensation with the amount allowed the receiver for his services will all appear in the certified copy of the testimony taken under oath before Hon. Henry J. Scudder, the referee appointed by the court to investigate the accounts and report upon the action of the receiver in the management of the trust.

The testimony is appended hereto. Every interest that I have charge of in the Continental Life was represented before the referee by counsel who took part in the examination and cross-examination of the witnesses produced.

The attorney-general or his representative, with the attorneys who had intervened on behalf of policy-holders, attended the referee in the passing of my accounts.

This investigation is still proceeding but is so far complete as to the accounts that the testimony I send may be said to answer in whole the resolution of your committee.

I would be allowed to say here that the investigation will also show that from the investments made by me under order of the court of the funds collected and from the securities undisposed of during the two and a half years in which the assets have been in my custody, the income derived has been sufficient to carry on all the affairs of the receivership and defray all the expenses of the trust connected with my management, and has in addition thereto added to the bulk of the estate three thousand and fifty-two dollars and eighty cents.

It is proper for me to state here that, when I entered upon the duties of my appointment, I found that the transactions of the company for years had been marked by irregularities and fraud caused by its officers, which they endeavored to conceal in various ways. To find out these irregularities and frauds in tracing the assets that had been secreted, was a task of no ordinary labor for those connected with the execution of the trust, as the books in many instances were falsified and could not be depended upon.

Many of the bonds and mortgages which passed into my hands were upon property situated in the country or in small towns, and which had greatly depreciated in value; these were usually included in those not paying interest, and as they were a constant care to the trust were among those first required to be foreclosed.

It being necessary that a large reserve should be kept back to cover contested and uncertain claims, I have held all interest-paying mortgages and securities without attempting to collect them by legal proceedings, and only have foreclosed such mortgages as did not pay interest or where the property was depreciating.

I have much pleasure in stating that in all cases where I have succeeded in disposing of the property previously bought in at such foreclosure sales, and they are quite numerous, the amounts realized have been largely in excess of the prices bid at the sales, and that the profits gained by the policy-holders in consequence thereof have been large.

Summarizing the condition of the trust as shown by the annexed testimony, I would state that it is difficult to ascertain the total value at the present time.

Through the depreciation in real estate, much of the property sold under foreclosure has brought very low prices. On the other hand, the property which I have not sold has largely appreciated and is daily increasing in value.

Many of the claims borne upon the books have been found to be worthless, and the result of many upon which suits are now pending are doubtful. On the other hand, many of the claims made against the estate have been defeated.

The assets available for the purpose of paying policy-holders, including premium notes and loans, amount

| | |
|--|-----------------------|
| to about | \$2,693,208 54 |
| Other assets of unknown or doubtful value..... | 2,564,624 00 |
| Making a total of | <u>\$5,257,832 54</u> |

The cash actually received by me during the two years and nine months that I have had charge of the trust has been \$1,139,439.75, while the expenses of the trust during that time have been less than five per cent of its known value.

For further explanation in regard to the trust and the matters inquired of by the committee, I would respectfully refer to my report made to the Attorney-General on February 21, 1880, of which a copy is hereto appended.

JOHN P. O'NEILL,
Receiver.

Dated NEW YORK, *April 26th*, 1880.

At a special term of the Supreme Court, held at the Chambers of Mr. Justice Westbrook, at the City Hall, in the City of Kingston, on the 31st day of March, 1877. Present—Hon. Theodorick R. Westbrook, Justice.

IN THE MATTER OF THE ATTORNEY-GENERAL *vs.* THE CONTINENTAL LIFE INSURANCE COMPANY.

On reading and filing the petition of the Attorney-General of the State of New York, the order to show cause, the order of reference to A. V. DeWitt, Esq., and the various orders and proceedings upon the appeals therefrom, and the report of A. V. DeWitt, Esq., referee, and the notice of hearing on the part of the Attorney-General, and the affidavit of Herbert I. Kinney, Mr. Smyth, John O. Hoyt, Robert Sewell, Chauncy M. Depew, copy of the judgment roll in *Hoyt against The Continental*, including the order appointing J. J. Anderson, Receiver, the order removing said Anderson in said action, dated February 3d, 1877, the order appointing W. R. Grace, Receiver, dated February 5th, 1877, the order of publication, dated February 10th, 1877, and the notices, petitions and papers therein referred to, the order to show cause in said action, dated February 19th, 1877, and the order thereon, dated February 20th, 1877, and the papers therein referred to, the petition of William Andrews *et al.*, and the order admitting him as a party to this proceeding, and the affidavits of Horace J. Moody, Esq., in opposition, and an order to show cause made by this Court, returnable at the Special Term thereof, and after

due proof of service of the same on Raphael J. Moses, Jr., attorney for Hartwell and other policy holders; Barnes & Hanover, attorneys for divers policy holders; Sewell & Pierce, attorneys for John O. Hoyt; W. R. Grace, receiver; Redfield & Hill, attorneys for Andrews, Joseph T. Sanger and Frank Rudd, attorneys for various policy holders; and after hearing Hon. Charles S. Fairchild, Attorney-General, for motion; Raphael J. Moses, Jr., attorney for Charles P. Hartwell and others; William Barnes, Esq., for sundry policy holders; J. Henry Work, Esq., for various policy holders; John L. Hill, Esq., in opposition, representing Mr. Andrews and others; and Winchester Britton, Esq., appearing informally to make a statement on behalf of William R. Grace, who claims to have been appointed Receiver in an action brought in the second district of this Court by John O. Hoyt *against* the Continental Life Insurance Company, and after having heard the proofs and allegations of the respective parties, and on reading and filing the report of A. V. De Witt, Esq., the referee aforesaid, and it appearing to the satisfaction of this Court that the assets and funds of the said Continental Life Insurance Company are not sufficient to re-insure its outstanding risks; it is

Ordered and decreed, that the said corporation, the Continental Life Insurance Company be, and the same hereby is excluded from its corporate rights, privileges and franchises, and dissolved, and that a distribution of its effects be made in such manner as this Court shall hereinafter direct;

That John P. O'Neill, of the city of New York, be, and he hereby is, appointed Receiver of the goods, chattels, credits and effects of the said Continental Life Insurance Company, to wind up and settle the affairs of said corporations property and effects of the Continental Life Insurance Company, and to collect, sue for and recover the debts and demands that may be due, and the property that may belong to such corporation, and that as such Receiver he be, and is, vested with and is entitled to all the estate, real and personal, and property, assets, credits and effects of the said Continental Life Insurance Company, including the securities deposited with the Superintendent of the Insurance Department, and shall possess all the power and authority conferred, and be subject to all the obligations and duties imposed upon Receivers in article 3, title 4, chap. 8, part 3 of the Revised Statutes, and by chap. 71 of the Laws of 1852, together with the usual powers and authority of Receivers of this Court, according to its rules and practice, and with the additional powers conferred upon Receivers of Insolvent Insurance Companies by section 12 of chap. 902 of the Laws of 1869; Provided, however, that before entering upon his duties and under this decree, and exercising the powers therein to him given, the said John P. O'Neill shall execute, duly acknowledge and file in the office of the Clerk of the County of Albany, his bond to the people of the State of New York, with sufficient sureties, to be obligated jointly and severally in the penal sum of two hundred thousand dollars, conditioned for the faithful execution and performance of his duties as such Receiver, such bond to be approved as to its sufficiency, form and manner of execution by a Justice of this Court, after due notice to the Attorney-General of the time and place when and where the said bond shall be presented to such Justice.

That the said Receiver be at liberty to apply to this Court upon the footing of this decree for such further instructions and directions in the premises as he may be advised is necessary. And it is further

Ordered, That no application shall be made to any Court by the Receiver, nor shall any action of the Court be asked or suffered by the Receiver relative to, or in any way connected with the duties of said Receiver, or the funds or assets of the Continental Life Insurance Company, above mentioned, or their transfer, sale or delivery, unless five days notice of such application be first given to the Attorney-General of the State of New York.

And it is further ordered, That said Receiver shall, as soon as practicable after entering upon the duties of his said office, cause an inventory of all the property and effects of said corporation which may come into his possession, to be made and filed with the Clerk of the County of Albany.

And it is further ordered, That the Receiver leave on deposit with the Superintendent of the Insurance Department, the securities now in the hands of said Superintendent, until this Court shall hereafter order their withdrawal for distribution; and that the Receiver deposit all sums of money received by him with the United States Trust Company of the city of New York, from time to time, as often as the same shall amount to the sum of ten thousand dollars, there to remain until withdrawn by the order of this Court.

And it is further ordered, That a certified copy of this decree be filed with the Secretary of State, the Superintendent of the Insurance Department, and the United States Trust Company of the City of New York.

Clerk of Albany County will enter.

T. R. WESTBROOK,
Justice Sup. Court.

Copy of report to Hon. Hamilton Ward, Attorney-General of the State of New York. Mailed February 21, 1880.

NEW YORK, *February 17, 1880.*

HON. HAMILTON WARD, *Attorney-General, State of New York.*

SIR—In reply to the questions contained in your circular of January 29, 1880, received by me on the 11th inst., I have the honor to state as follows:

First, as to your question "when in my opinion I will be able to close up the affairs of the trust, and what reasons if any exist why it should not be done without delay" I will state, that the matters relating to the affairs of the Continental Life Insurance Company in my hands as its receiver cannot be concluded until,

1. The law in relation to the basis of distribution is settled.
2. Until the assets are all collected, and the liabilities determined.
1. The proper method of distribution of the funds of an insolvent insurance company was practically unknown until September 27, 1879, when the Court of Appeals, in the case of the Security Life

Insurance Company decided a large number of the points involved. A large number of questions however still remain in dispute, particularly the important one of whether claims upon policies, where death has taken place after the premium term, are to be computed upon their face, or upon their reserve value.

There are also questions in regard to what constitutes a lapse, and as to the effect of the failure of the company to give notice to the policy-holders when the premiums were due and as to other similar matters.

2. The receiver holds a large amount of real estate yet undisposed of, most of which is country property for which no regular market exists. There are also many mortgages under foreclosure some of which are contested on the ground of usury.

There are also a number of actions, and proceedings for and against the company, pending in various courts in this and other States, together with some 2,500 disputed claims (covering almost every imaginable question of fact and law which can be raised in regard to insurance contracts) now being heard before the referee.

No final conclusion of the trust is possible until these matters in dispute are settled by the courts. If all the assets were converted into money, and the liability of the company determined, a few months would be sufficient to close up the receivership.

Second, as to the second question "what amount or per cent I expect to be able to pay to those interested in the fund" I would state that a dividend of fifteen per cent has already been declared, and is being paid upon all adjudicated claims. This will amount to over \$600,000.

Until the questions above mentioned in regard to the basis of distribution are determined and particularly the question in regard to what death claims are to be computed upon their face value, and what not, it is impossible to state what further amount can be divided among the creditors at large. The difference between taking the death claims which accrued after the expiration of the premium term, and up to June 16, 1879 (the date prescribed by the court, as the limit within which creditors were required to file their claims) at their face value less interest, and taking them at their reserve value will be over a million and a quarter dollars (\$1,250,000.)

If death claims accruing after June 16, 1879, should be admitted as such, it will cause a further difference of half a million more.

These amounts if allowed, will of course diminish the fund applicable to the payment of the general creditors, by as much as they increase the amount paid to death claimants.

In order to give the fullest information in my power in regard to what future dividends may be expected, I would state that the assets received by me and in my hands December 21st, 1879, may be roughly summarized as follows :

Assets of Known Value.

| | |
|---|--------------|
| United States bonds, face value | \$339,000 00 |
| Market value over face value | 13,500 00 |
| Accrued interest received January 1, 1880 | 4,390 00 |

| | |
|--|--------------|
| Cash on hand..... | \$107,285 28 |
| Yonkers City bonds..... | 10,000 00 |
| Accrued interest..... | 175 00 |
| Securities paying interest..... | 140,800 00 |
| Interest accrued about \$156,150, estimated to be worth fifty per cent of their face value..... | 7,000 00 |
| Interest accrued about \$15,000, estimated at a like percentage..... | 78,075 00 |
| Real estate, Continental building, ap- praised value..... | 7,500 00 |
| Other real estate at its cost price to Re- ceiver..... | \$325,000 00 |
| | 66,610 00 |
| | <hr/> |
| | 391,610 00 |

The actual value of the latter cannot be stated. As it was bought at foreclosure, it is worth much more than its cost to the Receiver — its value is constantly appreciating.

| | |
|--|--------------|
| Fixtures and furniture..... | 1,150 00 |
| Mortgages and United States bonds on deposit with Insurance Superintendent..... | 145,342 46 |
| Accrued interest thereon estimated at..... | 5,000 00 |
| Premium notes and loans on policies..... | 1,203,087 86 |
| Deferred premiums..... | 239,292 94 |

| | |
|------------|----------------------------|
| Total..... | <hr/> <hr/> \$2,693,208 54 |
|------------|----------------------------|

While these (the two last items) are not available except as an offset against the value of the policies on which they are liens, they constitute an important part of the assets, as in so doing they operate to reduce the liabilities of the company to nearly their full amount.

Assets of Unknown and Doubtful Value.

| | |
|---|----------------|
| Claims against agents, suits for money illegally appro- priated to recover dividends, etc..... | \$2,564,624 00 |
| Known assets, amount brought forward..... | 2,693,208 54 |
| | <hr/> |
| Total assets..... | 5,257,832 54 |

The liabilities of the company are as follows:

| | |
|---|-----------------|
| Indebtedness upon policies standing on the books Oct. 25th, 1876, as outstanding obligations (19,754 policies insuring thirty-eight mil- lions, eight hundred and ninety-four thousand, two hundred and thirteen dollars (38,894,213.00) at their reserve value of four and a half per cent)..... | *\$5,365,614 00 |
| Death claims filed prior to Oct. 25th, 1876..... | 331,478 78 |
| Death claims taking place after failure, but during premium term..... | 255,000 00 |

*This amount includes Empire policies which have been paid.

| | |
|---|-----------------------|
| Valid claims existing at the time of the appointment of the present Receiver, including judgments, etc.. | \$100,000 00 |
| Disputed claims in litigation | 200,000 00 |
| Total | <u>\$6,252,092 78</u> |

Third. In regard to the third question as to "what per cent of the whole fund that came into my possession it has already cost for fees and disbursements in the discharge of my duties, including Receiver's and Referee's fees, attorneys, clerks, etc.," I would state that the income that has been derived from the investments made by me under order of the court of the funds collected, and from the securities undisposed of during the two and a half years in which I have had charge of the assets, viz., from July 10th, 1877, to December 31st, 1879, has been sufficient to carry on all the affairs of the Receivership, and defray all the expenses connected with the trust which have been incurred by me, including all fees mentioned in your circular, without my having been obliged to resort to the capital for any expenses whatever, which I have incurred during my Receivership, and has left a surplus to be added to such capital of the sum of three thousand and fifty-two eighty-one hundredth dollars (\$3,052.80).

The following is a detailed statement of the income of the trust and the disbursements made by me, for all obligations incurred by me during my Receivership.

Income of Present Receivership.

| | |
|---|---------------------|
| From Continental building | \$21,597 92 |
| Add six months' taxes paid in excess | 4,190 50 |
| General interest for investment | 72,962 98 |
| Miscellaneous profits | 3,617 20 |
| Value U. S. bonds purchased above price paid by Receiver, | 11,347 50 |
| | <u>\$113,716 10</u> |

Expenditures of Present Receivership.

| | |
|--|---------------------|
| Expenses | \$2,007 97 |
| Salaries | 34,846 65 |
| Orders of Court chargeable to present Receivership.... | 73,808 68 |
| | <u>\$110,663 30</u> |
| Balance of profit | 3,052 80 |
| | <u>\$113,716 10</u> |
| Total profit | <u>\$3,052 80</u> |

The delay that has taken place in the distribution of the fund has been to a certain extent owing to the scattered condition of the assets, and the difficulty of realizing upon them, but mainly to the necessity

of waiting until the Courts had finally settled the legal points raised in former receiverships, as to the preferences claimed for various classes of creditors, and as to the method upon which the amount due to the various claimants should be calculated ; as above stated this was only set at rest on September 26th, 1879, by the decision of the Court of Appeals in the Security Life Insurance case.

Until this was so settled it was impossible for me or any other receiver of an insurance company to ascertain the basis of any dividend, or to compute the amount due to any of the 20,000 policy holders in the Continental Life Insurance Company.

The moment that decision was announced I began the payment of the largest dividend which the assets in my hands would warrant, writing up the actuarial calculations at the same time and have continued making the payments ever since, having for some time been paying all claims on demand.

Respectfully yours,
JOHN P. O'NEILL,
Receiver.

(Signed)

Copy of report presented to the Supreme Court up to December 31st, 1879. New York Supreme Court, Albany County.

IN THE MATTER OF THE ATTORNEY-GENERAL AGAINST THE CONTINENTAL LIFE INSURANCE COMPANY.

Inventory and Report.

A just and true inventory of the whole real and personal estate committed to the care of John P. O'Neill, Receiver, the Receiver appointed herein :

In a certain matter or proceeding entitled, "In the matter of the Attorney-General against the Continental Life Insurance Company," I, John P. O'Neill, by an order made and entered therein on the 31st day of March, 1877, and filed in the office of the Clerk of the County of Albany on the 10th day of May, 1877, was appointed Receiver of the Continental Life Insurance Company, its properties, effects and assets; and by said order, among other things, the said corporation was dissolved.

I duly qualified and filed my bonds in pursuance of the requirements of said order, and on proceeding to take charge of the assets of said company I found them in possession of Mr. William R. Grace, of the city of New York, claiming to be Receiver under a judgment or order made and entered in the suit of John O. Hoyt (a stockholder) against the Continental Life Insurance Company, and did not obtain possession of said assets, or of the books or properties, or of any matters connected with said company, until about the 10th day of July, 1877, when the said Grace duly delivered to me the assets of said company, for which I duly receipted.

Since that time, as aforesaid, I have discharged the duties of Receiver of said company.

At the time of my entering upon the discharge of my duties as Receiver, I found that the transactions of the company had been marked with irregularities and frauds extending over a series of years, and that the illegal transfers of its properties by its officers during that period were frequent, and had been covered up in various manners.

The work of unraveling such transfers, and tracing out what had become of the assets of the company, has been one of great magnitude, requiring a great amount of time and labor from my clerks, my counsel and myself. An immense number of claims have been presented against the company, many of which are honest, but many are believed to be illegal, as a very large number of these have been investigated and those found to be valid admitted, and those found questionable rejected.

This investigation is still in progress and is a work of labor.

Many of the bonds and mortgages which passed into my hands as such receiver were upon property situated in the country or in small towns and which had greatly depreciated, these were usually included in those not paying interest and as they were a constant care to the trust were among those first required to be foreclosed.

It being necessary that a large reserve should be kept back to cover contested and uncertain claims I have held all interest paying mortgages, and securities without attempting to collect them by legal proceedings and only have foreclosed such mortgages as did not pay interest or where the property was depreciating.

The foreclosures commenced therefore may be said to represent the worst part of the securities in the receiver's hands, and the amount which they realized at forced sales has usually been much less than the amount loaned upon them by the company. Wherever the amount bid fairly approximated to the market price of the property as I have been able to ascertain it, I have allowed it to go, considering it my duty to realize upon all such sales for the benefit of the policy-holders, where however the price bid was very greatly inadequate, I felt compelled to bid in the premises for the benefit of the trust, although reluctant to cumber the trust with quantities of unproductive real estate, subject to taxes, etc.

I have much pleasure in stating that in all cases where I have succeeded in disposing of the property so bought in, and they are quite numerous, the amounts realized have been largely in excess of the prices bid at the sales, and that the profits gained by the policy-holders in consequence thereof have been large.

Dated New York January 2, 1880.

Assets.

| | |
|---|--------------|
| United States four per cent bonds registered deposited in United States Trust Company, cost..... | \$339,000 00 |
| Cash in United States Trust Company..... | 83,921 33 |
| Do on hand and in other banks | 8,658 97 |
| Do deposit balance in Fourth National Bank to dividend account..... | 12,004 98 |
| Ten Yonkers City water bonds, Nos. 26 to 35 \$1,000 each | 10,000 00 |

| | |
|--|-------------|
| Note of William C. Whitney for \$33,500 dated February 18, 1875, with several payments indorsed thereon, originally secured by 335 shares of the capital stock of the Metropolitan Steamship Company leaving a balance of..... | \$15,500 00 |
| Thirty-six shares Atlantic Bank certificate 224 | 3,600 00 |
| Note of W. R. Blake for \$10,625 with forty-five shares Continental Life Insurance Company stock | 10,625 00 |
| Note of W. R. Blake for \$10,625 with forty-five shares Continental Life Insurance Company stock | 10,625 00 |
| Note of J. H. Bissenberg, \$11,500 with 115 shares Continental Life Insurance Company's stock..... | 11,500 00 |
| Two hundred shares Grand Central Bank at \$25 each certificates 122 and 123..... | 5,000 00 |
| Eleven bonds Adirondack Company \$1,000 each, Nos. 2217, 2221, 2795, 2800, with two due bills of \$2,562.50 each, of Thomas C. Durant..... | 11,000 00 |
| Four and a half shares Louisville Chemical Works \$100 each..... | 450 00 |
| Chattel mortgage Benhard Lesser..... | 150 00 |
| First mortgage bond No. 299 the Fredericksburg and Gordonsville Railroad of Virginia..... | 1,000 00 |
| Mortgage deed from Rolla H. Chubb (Ohio), and wife to Continental Life Insurance Company | |
| Mortgage Adelia L. Loring and Asa T. Loring to James Shugart in Iowa, Hardin County, together with note for \$262 | 462 00 |
| Papers relating to deed of trust of E. M. Prouty..... | |
| Note of Justice Lawrence, for \$13,000 with certain payments indorsed thereon..... | 13,000 00 |
| Check of Alfred Robinson, to order of L. W. Frost, January 29, 1875, for..... | 200 00 |
| Check of Alfred Robinson, to order of L. W. Frost, February 19, 1875 | 175 00 |
| Bond of W. H. Adams and C. A. Barker..... | 3,800 00 |
| Note of W. H. Adams and C. A. Barker | 800 00 |
| Note of D. Burns and C. D. Whitehead, settled as to Burns by order of court..... | 285 00 |
| Settled as to Burns by order of court..... | 285 00 |
| Settled as to A. W. Neff by order of court..... | 100 00 |
| Settled as to A. W. Neff by order of court..... | 150 00 |
| Settled as to A. W. Neff, by order of court..... | 100 00 |
| Settled as to A. W. Neff, by order of court..... | 150 00 |
| Notes of Giles and Wright..... | 1,050 00 |
| Check of E. M. Prouty..... | 1,000 00 |
| Memorandum of J. P. Rogers, secretary, for accepted draft of D. W. Grubb..... | 1,000 00 |
| Draft of L. W. Frost, president, on T. C. Durant for.. | 12,750 00 |
| Note Edward Trenler..... | 500 00 |
| Note of R. D. Winter..... | 1,000 00 |
| Note A. R. Carter..... | 2,256 36 |
| Note A. R. Carter..... | 2,256 36 |

| | |
|--|----------|
| Memorandum for note of W. W. Granger | \$600 00 |
| Memorandum for note of John C. Thompson | 3,800 00 |
| Note of James McDonald | 300 00 |
| Note of James McDonald..... | 532 50 |
| Note of Cyrus Child | 500 00 |
| Receipt of Winter & Jewel for note..... | 826 31 |
| Note of Frank L. Montgomery | 1,250 00 |
| Protested check of S. L. Parmlee..... | 323 12 |
| Assignment of judgment from Ellen A. Ten Winkle, | 230 50 |
| Note of J. H. Coleman..... | 15 95 |
| Note of C. S. Faulkner..... | . 925 75 |

Premium Loan Account.

| | |
|---|--------------|
| Amount of premium loans on policies, as of October, 25, 1876..... | 1,203,087 86 |
| Amount of premium over due and deferred, as of October 25, 1876 | 239,292 94 |
| The following are either loaned on policies, or secured by cancelled policies : | |
| Tappan Brown, January 7, 1876..... | 50 00 |
| Clara C. Town, January 10, 1875..... | 40 00 |
| Henry F. McCloskey, December 15, 1875..... | 250 00 |
| Henry A., & M. Louisa Thomas, Aug. 26, 1875..... | 500 00 |
| M. Tuesdale, November 7, 1876..... | 250 00 |
| Allen Monroe, September 20, 1866..... | 599 60 |
| Allen Monroe, October 10, 1876..... | 599 60 |
| Jesse Loutz, July 16, 1875..... | 1,800 00 |
| W. H. Harrison, March 4, 1875..... | 500 00 |
| J. H. Holcomb, January 7, 1876..... | 750 00 |
| Louis Dlay, September 2, 1876..... | 50 00 |
| John Kennard, August 9, 1876..... | 200 00 |
| John Kennard, September 2, 1876..... | 200 00 |
| S. H. Doughty, December 11, 1875..... | 231 00 |
| E. H. Dewey, July 25, 1876..... | 53 95 |
| D. S. Walton, October 6, 1876..... | 100 00 |
| R. J. Carpenter, March 8, 1874..... | 43 62 |
| D. Tilton, October 23, 1876..... | 166 93 |
| C. J. Ender, September 26, 1876..... | 48 95 |
| Mem. of H. C. Fisk, Newark, and due..... | 185 00 |
| Mortgage of Eva A. Stewart, with mems. attached.... | 596 90 |
| Drafts of L. W. Frost, President, on the New Jersey Mutual Life Insurance Co., and accepted by J. H. Stedwell, President..... | |
| February 15, 1876, at 4 months for..... | 2,000 00 |
| February 15, 1876. at 6 months for | 2,000 00 |
| February 15, 1876, at 7 months for..... | 2,000 00 |
| February 15, 1876, at 8 months for..... | 2,000 00 |
| February 15, 1876, at 9 months for..... | 2,000 00 |
| February 15, 1876, at 10 months for..... | 2,000 00 |
| February 15, 1876, at 11 months for..... | 3,594 44 |
| Bond of the Pavilion and U. S. Spring Co. for..... | 1,500 00 |
| Bond of the Pavilion and U. S. Spring Co. for | 650 00 |
| Bond of J. W. Ackerman, for..... | 7,000 00 |

| | |
|--|--------------|
| Bond of James H. Pooley, for..... | \$7,000 00 |
| Superintendent J. F. Smith's acknowledgment, dated January 5, 1880— | |
| In trust for Con. Life Ins. Co..... | \$115,984 45 |
| In trust for Empire Mutual..... | 29,358 01 |
| <hr/> | |
| Note W. O. Knight and Hugh McDonald..... | 833 00 |
| Note W. O. Knight and Hugh McDonald..... | 600 00 |
| Note L. M. Macroy..... | 1,000 00 |
| Note W. C. Wilcox and mems..... | 2,977 88 |
| Note J. H. Hinman..... | 4,167 56 |
| Note Solomon Gumprecht..... | 150 00 |
| Note W. H. Montgomery..... | 504 61 |
| Note W. H. Montgomery..... | 1,180 83 |
| Note W. H. Montgomery..... | 2,000 00 |
| Note W. H. Montgomery..... | 2,870 48 |
| Note John Faushticht..... | 500 00 |
| Note Duncan McGregor..... | 45 00 |
| Nos. 22, 24 and 26 Nassau street, in the city of New York, the value of which has been appraised since the failure of the company at \$325,000..... | 622,003 62 |
| Premises in Plainfield, Union County, New Jersey, on the southeast corner of Hillsdale avenue and Pros- pect place, containing about two acres, 272 feet on Hillsdale avenue and 316 feet on Prospect place (Rogers bond and mortgage No. 162,) purchased at foreclosure sale for \$9,000. Amount loaned on bond and mortgage..... | 25,000 00 |
| Premises in the township of Harrison, Hudson County, New Jersey, known as Nos. 1 to 5 inclusive, on a map filed in the Clerk's office of Hudson County, entitled map of lots in East Newark, made for Hi- ram Gilbert by Dunn & Thompson, July 1, 1854, (Robinson bond and mortgage, No. 110,) purchased at foreclosure sale for \$2,050. Amount loaned on bond and mortgage..... | 10,000 00 |
| Farm in the township of Mendham, Morris County, New Jersey, containing about 90 ²⁷ / ₁₀₀ acres, (Thomp- son bond and mortgage, No. 216,) purchased at fore- closure sale for \$3,300. Amount loaned on bond and mortgage..... | 9,000 00 |
| Lots in the town of Flatbush, Kings County, New York, situate on the south side of Franklin Place, five hundred feet east of Nostrand avenue, said pre- mises were conveyed to the Continental Life Insur- ance Company by J. W. Sanderson, referee, by deed dated June 1st, 1875, and recorded in the Kings County Register's office in liber , page 224, June 3, 1875, (bond and mortgage No. 232,) purchased for \$250. Amount loaned on bond and mortgage..... | 2,500 00 |
| A vacant plot 120x200 feet, situate in Elmira, New York, about one mile from station, fronting on | |

| | |
|--|------------|
| Hoffman street (Ingram bond and mortgage No. 270), purchased at foreclosure sale for \$100. Amount loaned on bond and mortgage..... | \$1,000 00 |
| A residence with lot 95x276 feet on Seventh street, at Plainfield, New Jersey, eight minutes walk from station (Howe & French, bond and mortgage No. 174), purchased at foreclosure sale for \$4,200. Amount loaned on bond and mortgage | 6,000 00 |
| Several lots 50x103 feet, at Newark, New Jersey, fronting on Wyman's avenue, running through to Rose street, fifty feet north of Bergen street, (Mathews' bond and mortgage No. 292), purchased at foreclosure sale for \$250. Amount loaned on bond and mortgage | 1,875 00 |
| Several lots of ground in Twelfth ward, in the City of New York, at 117th street and the East river, with a water-front and pier extending into the river, (Terry bond and mortgage No. 35), purchased at foreclosure sale for 13,750. Amount loaned on bond and mortgage, sold for \$15,100 title, not yet passed | 23,000 00 |
| Pavilion and U. S. Springs at Saratoga, New York, with bottling establishment and several houses and stores, purchased at foreclosure sale for \$15,060. Amount loaned on bond and mortgage | 33,000 00 |
| House and lot on the west side of Broadway, at Saratoga Springs, New York, 36x150 feet (Whiting bond and mortgage No. 192), purchased at foreclosure sale for \$9,000. Amount loaned on bond and mortgage | 12,000 00 |
| A two and a half story frame cottage containing seven rooms, with lot 50x150 feet, on north-west side of Grand View avenue, 150 feet north-east from Verdon avenue, at Plainfield, New Jersey (bond and mortgage No. 143, Pennington), bought in at foreclosure sale for \$500. Amount loaned on bond and mortgage | 1,200 00 |
| Premises at Yonkers, New York, No. 166, on the west side of Carolina avenue, 350 feet south of Harriet street, lot 25x100 feet, with frame dwelling thereon, (Ellen A. Howlett bond and mortgage No. 352), purchased at foreclosure sale for \$700. Amount loaned on bond and mortgage | 1,800 00 |
| All that tract of land situate in the town of Sullivan, county of Madison, State of New York, containing 126 acres (Henry W. Wheeler and others bond and mortgage No. 354), purchased at foreclosure sale for \$250. Amount loaned on bond and mortgage.. | 1,500 00 |
| Premises at Yonkers, New York, No. 183 Ashburton avenue, 100 feet west of Vineyard avenue, lot 25x100 feet, with frame dwelling thereon (May and | |

| | |
|--|------------|
| Daniel Ryan, bond and mortgage No. 179), purchased at foreclosure sale for \$2,350. Amount loaned on bond and mortgage | \$3,500 00 |
| A lot of land at Binghamton, State of New York, containing 262 feet on Front street, sixty-three and a half feet on Ferry street, (Dwight bond and mortgage No. 187.) Purchased at foreclosure sale for \$2,500. Amount loaned on bond and mortgage | 5,500 00 |
| Premises in the Twenty-second ward in the city of Brooklyn, No. 374 Third street, being the Ensign bond and mortgage No. 293 sold at foreclosure sale for \$3,200. Amount loaned on bond and mortgage.. | 6,000 00 |
| Lot at Saratoga Springs (bond and mortgage No. sold at foreclosure sale for amount loaned on bond and mortgage..... | |
| Trust deed for the W. E. Pickett lots at Chicago..... | |

The following policies of Insurance taken in compromise of claims by order of court.

Policies assigned to John P. O'Neill, receiver.

| | |
|---|------------|
| Policy No. 284 on life of George W. Crofut, for \$3,000 net value..... | \$1,266 24 |
| Policy No. 10,000 on life of George W. Crofut, for \$1,000 net value..... | 165 20 |
| Policy No. 59,494 on life of George W. Crofut, for \$3,000 net value..... | 628 00 |
| Policy No. 24,460 on life of Paul B. Bradlee, for \$5,000 net value..... | 816 00 |

I am unable to ascertain, with any degree of correctness, on account of the inaccuracies and false statements of the books, the amounts of agent's balances.

Suits have been instituted against a number of them, and are now pending to recover various amounts. In many instances they either set up a counter-claim or deny the indebtedness.

Schedule hereto annexed contains a list of the bond and mortgages upon property divided into two classes. Mortgages placed in the hands of attorneys for foreclosure and mortgages paying interest.

Schedule hereto annexed contains a statement of the law matters attended to by my counsel Messrs. Wingate & Cullen.

There are also claims against stockholders for dividends received by them when the company was insolvent.

Suits have been commenced by the receiver to recover these amounts, and the defendants therein are contesting their liability. The above being the regular seven per cent dividend.

Claims against stockholders for dividends declared and received by them in excess of seven per cents dividend, and contrary to agreement.

Claims against officers of the company for moneys alleged to have been illegally taken from company, and abstracted therefrom under various pretexts or pretenses; suits have been commenced therein and a large amount of property has been attached.

Claims against different parties other than officers, for money obtained by them under various circumstances, illegally and fraudulently.

Claims against parties formerly stockholders of the Empire Mutual Life Insurance Company, to recover moneys illegally paid them.

Claims against Mrs. Justus Lawrence, for money advanced.

Claims against the New Jersey Mutual Life Insurance Company for moneys and property belonging to the Continental Life Insurance Company.

| | |
|---|------------|
| <i>Fixtures</i> , furniture &c., in office, value..... | \$1,000 00 |
| 2 Safes..... | 150 00 |
| Bonds and mortgages under foreclosure..... | 156,150 00 |
| Bonds and mortgages paying interest..... | 140,800 00 |
| Market Savings Bank..... | 22,175 79 |
| Loaner's Bank..... | 44,609 65 |
| Atlantic National Bank..... | 11,188 13 |
| Mortgages and U. S. Bonds with Superintendent of Insurance at Albany..... | 214,450 00 |
| Accrued interest on same estimated..... | 5,000 00 |
| Overdue and accrued interest on bonds and mortgages estimated. | |

- *Assets of uncertain Value, mostly in Suit.*

| | |
|--|------------|
| Temporary loans, from Continental Ledger (unsecured)..... | 35,029 37 |
| Continental stock, not embraced in above items..... | 60,375 00 |
| Bonds and mortgages delivered at time of N. J. Mutual re-insurance contract | 160,400 00 |
| United States Bonds, lost at time of same (par value) .. | 156,000 00 |
| L. W. Frost, mortgages..... | 32,000 00 |
| G. H. Scribner, mortgages..... | 17,500 00 |
| Amounts paid to Continental Company's officers (commuted annuities)..... | 155,148 06 |
| Agent's open accounts..... | 988,453 06 |
| Amounts paid to L. W. Frost.....\$141,506.66 } | 173,855 74 |
| “ “ “ “ 32,349.08 } | |
| Amounts paid for Empire Life Insurance Company's stock, not embraced in above items..... | 66,833 49 |
| Amounts paid to Empire Life Insurance Company... | 206,670 85 |
| Extra dividends paid stockholders..... | 217,300 00 |
| Interest accrued on above items not added..... | |

Bonds and Mortgages Under Foreclosure.

| | | |
|-----|------------------------------------|-----------|
| No. | | |
| 32 | W. F. and M. J. Lawrence..... | 8,000 00 |
| 34 | Richard and Rachael Maiden..... | 1,800 00 |
| 56 | Patrick and Catharine Brown..... | 4,000 00 |
| 75 | Amos Clark, Jr..... | 12,000 00 |
| 79 | William M. and Susan Whitmore..... | 6,000 00 |
| 85 | Gilbert H. Potter..... | 3,000 00 |
| 108 | D. McFarlane..... | 2,500 00 |
| 112 | Christiana L. Miles..... | 7,000 00 |

| No. | | |
|------------|---------------------------------|---------------------|
| 120 | George Raynor..... | \$4,000 00 |
| 139 | J. B. Schenk..... | 2,300 00 |
| 140 | “ “ | 2,500 00 |
| 141 | “ “ | 2,200 00 |
| 148 | H. B. and M. Moore..... | 3,000 00 |
| 155 | Harriet B. and H. S. Downs..... | 9,000 00 |
| 173 | James M. Burnett..... | 3,500 00 |
| 178 | William H. Montgomery..... | 10,000 00 |
| 190 | Charles E. Waring..... | 8,500 00 |
| 209 | Thomas and Cora Comerfort..... | 1,500 00 |
| 222 | Jennie W. Feet..... | 5,000 00 |
| 223 | H. E. Peterson..... | 10,000 00 |
| 227 | James M. Simpson..... | 15,000 00 |
| 228 | H. F. and S. Wheeler..... | 6,000 00 |
| 229 | Harriet A. Campbell..... | 5,500 00 |
| 241 | Angeline Cornell..... | 600 00 |
| 269 | Emily and J. W. Doty..... | 4,000 00 |
| 303, 310 | Thomas McCormick..... | 12,000 00 |
| 315 | William H. Montgomery..... | 1,500 00 |
| 317 | Bryant Overton..... | 3,250 00 |
| 353 | Albro H. Hubbard..... | 2,500 00 |
| Total..... | | <u>\$156,150 00</u> |

Bonds and Mortgages Paying Interest.

| | | |
|------|---|------------|
| 21 | Lottie Markville | \$2,500 00 |
| 50 | Owen and Michael Tansey..... | 2,000 00 |
| 58 | Mary E. Campbell (Youman's) | 6,000 00 |
| 72 | First Presbyterian Church..... | 10,000 00 |
| 76 | George R. Hill..... | 8,000 00 |
| 81 | Richard H. Clark..... | 12,000 00 |
| 95 | George W. Smith..... | 5,000 00 |
| 96 | Emarilla Beam..... | 5,000 00 |
| 97 | Daniel J. Colton..... | 5,000 00 |
| 99 | Finley A. Johnson (McKirgan & Co.)..... | 5,000 00 |
| 100 | Finley A. Johnson (McKirgan & Co.)..... | 5,000 00 |
| 101 | Daniel J. Colton..... | 5,000 00 |
| 103 | George W. Smith | 5,000 00 |
| 103½ | George W. Smith..... | 5,000 00 |
| 114 | Anna A. Price..... | 1,500 00 |
| 125 | G. & H. W. Fowler | 2,000 00 |
| 132 | Almira G. Mitchell..... | 10,000 00 |
| 175 | Samuel A. Seager | 6,000 00 |
| 196 | Robert and Eliza M. Morgan | 10,500 00 |
| 199 | Silas P. Briggs..... | 9,000 00 |
| 214 | Eckert & Winters..... | 9,000 00 |
| 224 | William Riley | 1,200 00 |
| 299 | M. B. Wynkoop ... | 3,500 00 |
| 302 | John Bradum | 500 00 |

| | | |
|------------|--------------------------|---------------------|
| No. | | |
| 311 | Catharine R. Walsh | \$1,600 00 |
| 351 | Chapin and Irish | 5,500 00 |
| Total..... | | <u>\$140,800 00</u> |

Liabilities.

According to the books of the company the number of policies outstanding on the 25th of October 1876, as given by John J. Anderson, then acting as receiver, was \$19,754. The amount thereby insured was \$38,894,213.00

Reserve on the same at four and a half per cent was \$5,365,614.00.

Death Claims.

| | |
|--|---------------------|
| Approved by committee and due prior to October 25, 1876, net..... | \$48,325 07 |
| Approved by committee and due after October 25, 1876, net..... | 37,016 89 |
| Filed prior to October 25, 1876, and unquestioned but not audited, net..... | 23,828 82 |
| Filed prior to October 25, 1876, and contested, gross.. | 222,308 00 |
| Total amount of "proofs" on file October 25, 1876.... | <u>\$331,478 78</u> |
| Proofs filed with receiver's parties died prior to October 25, 1876, gross | 67,294 00 |
| Proofs filed with receiver, parties died between October 25, 1876, and March 31, 1877, gross. | 149,830 00 |
| Proofs filed with receiver, parties died subsequent to March 31, 1877, gross | 119,534 00 |
| | <u>\$668,136 78</u> |
| Notice of deaths received, proof not filed..... | <u>\$177,509 00</u> |

The receiver has not recognized the validity of any of the foregoing claims.

Matured Endowment Claims.

| | |
|--|------------------|
| Matured Endowment policies payable within ninety days from October 25, 1876..... | \$5,035 00 |
| Sundry claims filed with receiver other than policy claims | <u>27,270 18</u> |

CITY AND COUNTY OF NEW YORK, ss. :

John P. O'Neill, being duly sworn, says that he is the Receiver of the Continental Life Insurance Company, and that the foregoing Inventory and Report are true to the best of his knowledge and belief.

Sworn and subscribed before me, }
this 2nd day of January, 1880. } JOHN P. O'NEILL.
J. O. TOBIAS,
Notary Public,
New York City & Co.

Statement showing assets received and accounted for by John P. O'Neill, Receiver:

EXPLANATION :

"Receiver" means in the custody of the Receiver at the present time.

"P," page on cash book.

"Wingate & Cullen," in the hands of Wingate & Cullen, Attorneys, for collection.

The items are more fully explained in the certified copy of the testimony annexed, the facts having been fully brought out by examination and cross-examination, with the vouchers produced and stamped by the Hon. Henry J. Scudder, Referee.

Received of Wm. R. Grace, Receiver, cash securities and other property as per following memoranda, consisting of pages.

| | |
|---|------------|
| Checks on the New York Life Insurance and Trust Company, signed by Wm. R. Grace, Receiver, to the order of John P. O'Neill, Receiver, for ninety-six thousand, six hundred and twenty $\frac{62}{100}$ dollars, p. 2, cash book | 96,620 62 |
| Deposit certificates, one hundred and fifty thousand dollars, p. 2, cash book | 150,000 00 |
| And in trust also, check on the Marine Nat. Bank, signed by W. R. Grace, Receiver, to the order of John P. O'Neill, Receiver, for six thousand seven hundred and seventy-seven $\frac{77}{100}$ dollars, p. 2, cash book | 6,777 56 |
| Currency, five hundred and sixty-five $\frac{84}{100}$ dollars, p. 2, cash book | 565 84 |
| Two hundred and fifty-three thousand, nine hundred and sixty-four $\frac{02}{100}$ dollars, total of cash, p. 2, cash book | 253,964 02 |

Also following securities and papers :
Ten Yonkers Water Bonds, Nos. 26 - 35, for \$1,000 ;
each, coupons from April 1, 1877, Receiver 10,000 00
Abstract of title to the property in Nassau street, New York, owned and occupied by the company, together with a bundle of fire insurance papers on last mentioned building, and rents and furniture.

Note of W. C. Whitney for \$33,500 (due on same \$30,035.28). P. 110, October 9, 1878, on account, dated February 18, 1875, secured by 335 shares of the capital stock of the Metropolitan Steamship Company. P. 138, February 1, 1879, p. 148, March 14, 1879. Also another note of W. C. Whitney for \$2,500, dated March 7, 1873, secured by 20 shares Continental Life Insurance Company stock. (This latter note by the books of the company has been paid.)

Three bonds, Nos. 1, 2 and 3, (\$500 each), and trust deed of W. E. Pickett, of Chicago.

P. 202, November 17, 1879. Thirty-six shares Atlantic Bank Certificate, No. 224. Receiver.

Note, W. R. Blake for \$10,625, with 45 shares Continental Life Insurance Company stock. Receiver.

Another note, W. R. Blake for \$10,625, with 45 shares Continental Life Insurance Company stock. Receiver.

Another note, J. H. Riesenbergh, \$11,500, with 115 shares Continental Life Insurance Company stock. Receiver.

Also following certificates of the Continental Life Insurance Company stock :

No. 40, G. W. Smith, 10 shares. Receiver.

No. 63, R. C. Frost, 25 shares. Receiver.

No. 62, L. W. Frost, 45 shares. Receiver.

No. 65, G. H. Scribner, 170 shares. Receiver.

No. 55, L. W. Frost, 30 shares. Receiver.

No. 8, L. W. Frost, 30 shares. Receiver.

No. 9, L. W. Frost, 25 shares. Receiver.

No. 36, L. W. Frost, 25 shares. Receiver.

No. 51, L. W. Frost, 20 shares. Receiver.

No. 35, L. W. Frost, 20 shares. Receiver.

No. 54, L. W. Frost, 30 shares. Receiver.

One thousand five hundred shares Continental Railway and Trust Company certificates, 31, 32 and 33. P. 54, March 1, 1878.

Two hundred shares Grand Central Bank, \$25 each, 122 and 123. Receiver.

Eighty shares Citizens' Gas-light Company, \$50 each. P. 52, February 23, 1878.

Four hundred shares Citizens' S. R. R. of Indianapolis, \$100 each, 139 and 144. P. 52, February 24, 1878.

Eleven bonds Adirondack Company, \$1,000, Nos. 2217, 2221, 2795, 2800, with two due bills of \$2,562.50 each, of Thomas C. Durant. Receiver.

Forty-one and one-half shares Louisville Chemical Works, \$100 each. One envelope marked No. 1, chattel mortgage, Bernard, lessee, and others. Receiver. One envelope marked 21st mortgage bond Fredericksburg & G. R. R. Co., No. 299, for \$1,000. Receiver.

One envelope marked 3, containing three memorandas. Receiver.

One envelope marked 4, containing mortgage deed and papers relating thereto. Receiver.

One envelope marked 5, containing mortgage A. S. and M. S. Loring and papers relating thereto. Receiver.

One envelope marked 6, containing papers relating to E. M. Proudy deeds of trust. Receiver.

One envelope marked 7, containing papers relating to mortgage G. H. Scribner for \$17,500. Receiver.

Also following shares of stock of the Empire Mutual Life Insurance Company. Receiver.

Certificate No. 29, Geo. R. Hill, 10 shares. Receiver.
do 7, Geo. W. Smith, 50 shares. Receiver.
do 8, do 50 shares. Receiver.
do 33, Richard Poillon, 10 shares. Receiver.
do 50, A. O. Kellogg, 5 shares. Receiver.
do 27, W. W. Rand, 5 shares. Receiver.
do 42, J. O. Pettingill, 10 shares. Receiver.
• do 43, H. B. Pettingill, 10 shares. Receiver.
do 45, L. W. Frost, 30 shares. Receiver.
do 20, Sydney W. Crofut, 5 shares. Receiver.
do 21, do do 5 shares with mem. for \$1,000.
Receiver.
do 55, Martha R. Marcy, 5 shares. Receiver.
do 56, do do 5 shares. Receiver.
do 57, do do 5 shares. Receiver.
do 24, J. P. Rogers, 10 shares. Receiver.
do 11, Justus Lawrence, 50 shares. Receiver.
do 12, do do 50 shares. Receiver.
do 47, G. W. Crofut, 5 shares with note for \$547.71. Receiver.
do 49, G. W. Crofut, 5 shares. Receiver.
do 4, L. W. Frost, 50 shares. Receiver.
do 5, do 50 shares. Receiver.
do 37, J. P. Douglass, 10 shares. Receiver.
do 53, J. J. Hallenbeck, 50 shares. Receiver.
do 31, T. K. Marcy, 10 shares. Receiver.
do 44, C. M. Depew, 20 shares. Receiver.
do 52, M. B. Wynkoop, 50 shares. Receiver.
do 39, do do 40 shares. Receiver.
do 40, J. J. Hallenbeck, 40 shares. Receiver.
do 23, G. W. Crofut, 10 shares with note for \$1,000. Receiver.
do 26, W. C. Foote, 10 shares. Receiver.
do 1, G. H. Scribner, 50 shares. Receiver.
do 2, do do 50 shares. Receiver.
do 3, do do 50 shares. Receiver.
do 34, William Doud, 10 shares. Receiver.
do 41, Mary E. Southwick, 10 shares. Receiver.
do 48, G. W. Crofut, 5 shares. Receiver.
(G. H. Scribner, 175 shares.)

Total, 840 shares.

Note of Justus Lawrence, dated May 27, 1869, for \$13,000, with certain payments indorsed thereon.

Mortgages.

| | |
|---|---------|
| No. 1, Bridget and Robert Guthrie (\$100 paid on account), p. 6, July 24, 1877..... | \$1,500 |
| No. 73, E. Burns and John A. East, p. 6, July 21, 1877 | 5,000 |
| No. 10, Richard and Margaret Edie, p. 60, April 1, 1878 | 1,000 |

| | |
|--|---------|
| No. 11, Mary Morse, p. 176, July 11, 1879..... | \$3,000 |
| No. 12, Charles Scandella and wife, assessed to county and \$700 paid on account, p. 2, July 18, 1877.... | 3,100 |
| No. 18, Ellen and William Wharmby, \$100 paid on ac- count, p. 96, August 7, 1878..... | 1,500 |
| No. 28, Joshua G. and Martha E. Wilbur, p. 21, October 11, 1877..... | 5,000 |
| No. 32, William, Fred and Martha J. Lawrence, p. 32, Wingate & Cullen..... | 8,000 |
| No. 34, Rachael and Richard Maiden, p. 132, January 15, 1879..... | 1,800 |
| No. 8, George and S. A. Crofut, p. 118, Nov. 6, 1878... | 4,000 |
| No. 37, Henry F. and Sarah P. Brevoort, p. 2, July 14, 1877..... | 7,000 |
| No. 44, Alfred Harding, p. 2, July 11, 1877..... | 2,000 |
| No. 47, Francis and William McQuade, p. 54, March 7, 1878..... | 5,000 |
| No. 49, John and Susan Brophy (\$600 paid on account) p. 192, October 9, 1879..... | 3,000 |
| No. 50, O. Tansey and W. M. Tansey & Co. Receiver.. | 2,000 |
| No. 56, Patrick and Catharine Brown, Wingate & Cullen. | 4,000 |
| No. 61, William and Catharine Rose, p. 80, June 4, 1878. | 2,000 |
| No. 66, E. C. Moore (assd. to Co.,) p. 24, October 27, 1877. | 12,000 |
| No. 67, William and Mary P. Dermody, p. 14, August 7, 1877..... | 1,000 |
| No. 68, Seth C. Chandler, p. 202, November 12, 1879.... | 12,000 |
| No. 72, Catharine and Henry S. Titus, p. 72. Receiver.. | 10,000 |
| No. 73, Helen B. and Charles Lucas, p. 64, April 24, 1878. | 1,000 |
| No. 74, James H. and Mary E. Powley, p. 66, May 1, 1878. | 9,000 |
| No. 78, Thomas and Catharine M. Walsh, p. 92, July 27, 1878..... | 12,000 |
| No. 84, Joseph and Mary Ann Perry, p. 14, August 17, 1877..... | 2,500 |
| No. 88, Mary E. and John C. Campbell (assd. to Co.,) p. 56, March 15, 1878. | 7,000 |
| No. 108, D. McFarlan (incomplete, no assg. only sat. piece) Wingate & Cullen | 2,500 |
| No. 115, Patrick and Margaret Curran, p. 16, August 17, 1877..... | 3,000 |
| No. 121, Albert W. and Fayette P. Brown, \$2,000 paid on account, p. 32, December 6, 1877..... | 9,000 |
| No. 124, James and Louisa Keeler, p. 112, October 18, 1878..... | 6,500 |
| No. 129, S. C. Chandler, Jr., p. 162, May 2, 1879 | 6,000 |
| No. 131, Francina Davis, p. 2, July 11, 1877 | 5,000 |
| No. 132, Almira G. Mitchell, receiver | 10,000 |
| No. 144, William C. and Eliza B. Garner, p. 88, July 5, 1878; p. 32, December 1, 1877; p. 108, October 7, 1878 | 5,000 |
| No. 157, W. W. and C. A. Weeks (\$2,500 paid on account) p. 78, June 1, 1878..... | 5,000 |

| | |
|---|---------|
| No. 158, W. W. and C. A. Weeks, (\$2,500 paid on account) p. 128, December 11, 1878..... | \$5,000 |
| No. 159, W. W. and C. A. Weeks, (\$2,500 paid on account) p. 88, July 5, 1878 | 5,000 |
| No. 161, Eliza Sutcliffe, p. 22, October 16, 1877..... | 3,500 |
| No. 165, Esther and James L. Proseus, p. 72, May 13, 1878..... | 6,000 |
| No. 172, W. H. and Irene Andrews, p. 34, December 13, 1877..... | 5,000 |
| No. 173, Joseph and Mary J. Burnett, Wingate & Cullen | 3,500 |
| No. 175, Samuel A. and Mary E. Seager. Receiver | 6,000 |
| Nor 179, Daniel and Mary Ryan. Receiver..... | 3,500 |
| No. 190, John W. & Hannah Ackerman, p. 186, Sep- tember 11, 1879..... | 8,500 |
| No. 191, Catharine and John Clarke, p. 104, September 25, 1878 | 3,000 |
| No. 192, L. E. and D. Whitney. Receiver | 12,000 |
| No. 196, Robert and Eliza M. Morgan. Receiver | 10,500 |
| No. 199, Silas P. and Sarah J. Briggs, p. 142, February 12, 1879, on account receiver..... | 10,000 |
| No. 209, Thomas and Norah Comerford, Wingate and Cullen..... | 1,500 |
| No. 214, Jacob A. Gross. Receiver..... | 9,000 |
| No. 218, Arabella and Henry Wallwork, p. 134, January 17, 1879 | 4,000 |
| No. 221, Adam R. Shipley, this is only the assd. of \$2,000, a mortgage said to be in existence in Baltimore, p. 69, April 3, 1878..... | - |
| No. 222, Mary E., and John C. Cambell, p. 186, Septem- ber 11, 1879..... | 5,000 |
| No. 224, Mary J. and Wm. S. Riley, Receiver..... | 1,200 |
| No. 227, James M. Simpson, Wingate & Cullen, Febru- ary 26, 1880, p. 232..... | 15,000 |
| No. 229, Harriet A., and W. S. Cambpell, Wingate & Cullen..... | 5,500 |
| No. 231, Chas. M., and Sarah E. Partridge, p. 156, April 5, 1879; p. 158 April 17, 1879..... | 6,000 |
| No. 258, Pavillion & U. S. Spring Co. Receiver | 750 |
| No. 268, Pavillion & U. S. Spring Co., p. 50, February 20, 1878..... | 1,500 |
| No. 269, Emily and Jos. W. Doty, Wingate & Cullen... | 4,000 |
| No. 270, David and Ellen M. Ingraham, Receiver..... | 1,000 |
| No. 293, Sydney A. Ensign, Receiver..... | 6,000 |
| No. 295, Ed. B., and Mary Ryer (\$100 paid on ac.) p. 68 May 2, 1878..... | 6,700 |
| No. 297, Wharmby, B. M., \$3,000 on which company have advanced, p. 98, August 7, 1878. | 1,200 |
| No. 299, W. W. Weeks, (\$1,500 paid on ac.) Receiver, January 7, 1880, p. 218..... | 5,000 |
| No. 302, Thos. and Mary J. McCormack, (\$1,000 paid on ac.) Receiver..... | 1,500 |
| No. 303, Thos. and Mary J. McCormack, (\$1,000 paid on | |

| | |
|---|---------|
| No. 304, Thos. and Mary J. McCormack, (\$1,000 paid on ac.) Wingate & Cullen..... | \$1,500 |
| No. 305, Thos. and Mary J. McCormack, (\$1,000 paid on ac.) Wingate & Cullen..... | 1,500 |
| No. 306, Thos. and Mary J. McCormack, (\$1,000 paid on ac.) Wingate & Cullen..... | 1,500 |
| No. 307, Thos. and Mary J. McCormack, (\$1,000 paid on ac.) Wingate & Cullen..... | 1,500 |
| No. 308, Thos. and Mary J. McCormack, (\$1,000 paid on ac.) Wingate & Cullen..... | 1,500 |
| No. 309, Thos. and Mary J. McCormack, (\$1,000 paid on ac.) Wingate & Cullen..... | 1,500 |
| No. 310, Thos. and Mary J. McCormack, (\$1,000 paid on ac.) Wingate & Cullen..... | 3,000 |
| No. 311, Catharine R. Walsh, Receiver..... | 1,600 |
| No. 317, Hannah and Bryan Overton, Wingate & Cullen, | 1,250 |
| No. 352, Ellen A. Howlett, p. 188, September 26, 1879.. | 1,800 |
| No. 353, Albro A., and Julia Hubbard, Wingate & Cullen.. | 2,500 |
| No. 354, H. H. Wheeler, Wingate & Cullen..... | 1,500 |
| No. 126, E. F. Arnold, Insurance Department..... | 7,000 |
| No. 136, J. D. Condict, Insurance Department..... | 12,000 |
| No. 317, S. D. Moore, Insurance Department..... | 4,500 |
| No. 290, M. A. and M. J. Stafford (\$2,000 paid on ac.) Insurance Department..... | 12,000 |
| No. 291, M. A. and M. J. Stafford, (\$2,000 paid on ac.) Insurance Department..... | 12,000 |
| No. 21, John W., and H. Ackermann, (\$1,500 paid) Receiver, N. J. Mutual..... | 4,000 |
| No. 23, Andrew W., and Mary J. Archibald, p. 16, August 23, 1877, N. J. Mutual..... | 6,000 |
| No. 52, J. J. and Susan C. Wakefield, p. 122, November 26, 1878, N. J. Mutual..... | 18,000 |

Winchester Britton's Rec't for following :

| | |
|--|--------|
| No. 35, J. L. Young, (\$2,000 paid on ac.) Receiver, p. 210 December 1, 1879, on ac..... | 25,000 |
| No. 91, J. E. White, p. 96, August 7, 1878 | 7,000 |
| No. 163, J. T. Sanger and Wife, p. 70, May 4, 1878 | 11,000 |
| No. 178, W. H. Montgomery, Wingate & Cullen..... | 10,000 |
| No. 188, George Perry, p. 130 December 26, 1878..... | 5,500 |
| No. 225, Helen S. Bradford, p. 162 April 3, 1878..... | 6,500 |
| No. 313, J. S. Gillespie, p. 118 November 7, 1878..... | 3,800 |
| No. 315, W. H. Montgomery, Wingate & Cullen..... | 1,500 |
| No. 316, M. R. Oakley, p. 72, May 15, 1878 | 10,000 |
| No. 318, E. M. Slade & Co., p. 72 May 4, 1878..... | 5,800 |
| No. 217, E. H. Smith, (\$2,858 paid) Ret'd p. 54, March 15, 1878 | 4,000 |
| No. 223, H. E. Peterson, Wingate & Cullen | 10,000 |
| No. 228, H. F. and S. W. Wheeler, Wingate & Cullen .. | 6,000 |
| No. 296, J. S. and Mary Ann Perry, p. 60, April 7, 1878. | 5,000 |
| No. 234, Pavillion & W. S. Spring Co | 1,500 |
| No. 235, Pavillion & W. S. Spring Co | 750 |

| | |
|--|--------|
| No. 236, Pavillion & W. S. Spring Co | \$750 |
| No. 237, Pavillion & W. S. Spring Co | 750 |
| No. 238, Pavillion & W. S. Spring Co., p. 102, September 3, 1878, \$93.75 paid on account | 750 |
| No. 239, Pavillion & W. S. Spring Co., p. 66, May 1, 1878, \$75 paid on account..... | 750 |
| No. 241, Pavillion & W. S. Spring Co., Wingate & Cullen, \$150 paid on account..... | 750 |
| No. 242, Pavillion & W. S. Spring Co. Receiver..... | 650 |
| No. 247, Pavillion & W. S. Spring Co. Receiver..... | 750 |
| No. 248, Pavillion & W. S. Spring Co. Receiver..... | 650 |
| No. 249, Pavillion & W. S. Spring Co. Receiver..... | 650 |
| No. 259, Pavillion & W. S. Spring Co. Receiver..... | 750 |
| No. 260, Pavillion & W. S. Spring Co. Receiver | 750 |
| No. 262, Pavillion & W. S. Spring Co. Receiver..... | 1,500 |
| No. 263, Pavillion & W. S. Spring Co. Receiver..... | 750 |
| No. 264, Pavillion & W. S. Spring Co. Receiver..... | 750 |
| No. 265, Pavillion & W. S. Spring Co. Receiver..... | 750 |
| No. 266, Pavillion & W. S. Spring Co. p. 102, September 3, 1878, \$78.75 paid on account..... | 750 |
| No. 267, Pavillion & W. S. Spring Co. Receiver ret'd ... | 750 |
| No. 275, E. M. Prouty. Receiver..... | 5,500 |
| No. 288, E. M. Prouty. Receiver..... | 6,000 |
| No. 289, E. M. Prouty. Receiver | 2,000 |
| No. 312, E. M. Prouty. Receiver..... | 1,500 |
| No. 314, E. M. Prouty. Receiver..... | 7,000 |
| No. 119, George Raynor, p. 104, September 25, 1878.... | 4,000 |
| No. 120, George Raynor, p. 132, January 11, 1879..... | 4,000 |
| No. 123, William M. Benb, p. 118, November 6, 1878.. | 2,100 |
| No. 198, G. M. Durrie, p. 56, March 16, 1878..... | 4,000 |
| No. 296, Joseph Perry, p. 60, April 7, 1878..... | 5,000 |
| No. 58, Mary E. Campbell (Lusk). Receiver, p. 72, May 10, 1878, p. 74, May 25, 1878 | 9,000 |
| No. 42, Conrad Justus, p. 90, July 23, 1878..... | 1,100 |
| No. 128, William N. Bailey, p. 130, December 17, 1878.. | 13,500 |
| No. 139, J. B. Schenck, Wingate & Cullen | 2,300 |
| No. 140, J. B. Schenck, Wingate & Cullen | 2,500 |
| No. 141, J. B. Schenck, Wingate & Cullen..... | 2,200 |
| No. 177, Nelson Bailey, p. 82, June 14, 1878 | 9,000 |
| No. 189, Mary E. Campbell and J. C. (Bell) p. 66, May 1, 1878 | 10,000 |
| No. 193, Isabella Clark, p. 96, August 7, 1878..... | 4,000 |
| No. 271, Jeanette M. Leon, p. 56, March 16, 1878..... | 3,000 |
| No. 166, Maria L. F. Wright, p. 96, August 7, 1878.... | 1,800 |
| Receipt Charles W. Sloane, for : | |
| No. 180, Annie W. and Walton Dwight, p. 84, June 26, 1878 ; p. 174, July 7, 1879..... | 3,500 |
| No. 181, Annie W. and Walton Dwight, p. 174, July 7, 1879 ; p. 62, April 11, 1878 ; p. 68, May 3, 1878 .. | 3,500 |
| No. 182, Annie W. and Walton Dwight, p. 68, May 3, 1878, July 7, 1879, p. 174..... | 3,500 |
| No. 183, Annie W. and Walton Dwight, July 7, 1879, p. 174..... | 3,500 |

| | |
|---|------------|
| No. 184, Annie W. and Walton Dwight, p. 62, April 11, 1878 ; p. 174, July 7, 1879..... | \$3,500 00 |
| No. 185, Annie W. and Walton Dwight, p. 174, July 7, 1879 | 3,500 00 |
| No. 186, Annie W. and Walton Dwight, p. 84, June 26, 1878, p. 150, March 25, 1879..... | 3,500 00 |
| No. 187, Annie W. and Walton Dwight. Receiver..... | 5,500 00 |
| Note G. A. Watkins, January 4, 1877, at six months, subject to a deduction of \$36.31, p. 22, October 25, 1877 for..... | 500 00 |
| Check of Alfred Robinson to order L. W. Frost, January 29, 1875 | 200 00 |
| Check of Alfred Robinson to order L. W. Frost, February 19, 1875 | 175 00 |
| Note of J. W. Langley to order L. W. Frost, April 10, 1876, at six months, p. 78, May 14, 1878, for ... | 500 00 |
| Bond of W. H. Adams and C. A. Barker, receiver, for .. | 3,800 00 |
| Note of W. H. Adams and C. A. Barker, April 8, 1873, at ten days. Receiver for | 800 00 |
| Note of D. G. Burns and C. D. Whitehead (dated) March 13, 1876, settled as to receiver, p. 82, for | 285 00 |
| Note of D. G. Burns and C. D. Whitehead (dated) March 13, 1876, settled as to receiver June 10, 1878.... | 285 97 |
| Note of A. W. Neff, February 25, 1876, at four months. Receiver, for..... | 100 00 |
| Note of A. W. Neff, February 25, 1876, at six months. Receiver, for..... | 150 00 |
| Note of A. W. Neff, February 25, 1876, at eight months. Receiver, for..... | 100 00 |
| Note of A. W. Neff, February 25, 1876, at nine months. Receiver, for..... | 150 00 |
| Note of Giles & Wright, February 9, 1875. Receiver... | 1,050 00 |
| Check of E. M. Prouty, April 6, 1875. Receiver..... | 1,000 00 |
| Mems of J. P. Rogers, secretary, for accepted draft of D. W. Gruble, due February 4, 1877. Receiver, for.. | 1,000 00 |
| Draft of L. W. Frost, president, on T. C. Durant. Receiver, for..... | 12,750 00 |
| Note of Edward Tenser, April 11, 1870. Receiver, for | 500 00 |
| Note of R. D. Winter, July 27, 1869. Receiver, for.... | 1,000 00 |
| Note of A. R. Carter, October 1, 1869. Receiver, for.. | 2,256 36 |
| Note of H. C. Carter, October 1, 1869. Receiver, for.. | 2,256 36 |
| Mems. for note of W. W. Granger, July 8, 1870. Receiver, for..... | 600 00 |
| Mems. for note of John C. Thompson, February 20, 1874, Receiver, for..... | 3,800 00 |
| Note of James McDonald, November 12, 1872, charged to his account. Receiver, for..... | 300 00 |
| Note of James McDonald, December 5, 1872, charged to his account. Receiver, for..... | 532 65 |
| Note of Cyrus Child, January 16, 1869. Receiver..... | 500 00 |
| Receipt, Winter & Jewell for note of P. C. Brack, due January 12, 1871. Receiver..... | 826 31 |

'The following, either loaned on policies or secured by cancelled policies :—

| | |
|--|----------|
| Tappan Brown, January 7, 1876. Receiver..... | \$50 00 |
| Clara C. Towne, January 10, 1875. Receiver..... | 40 00 |
| Henry F. McCloskey, December 15, 1875. Receiver.... | 350 00 |
| Henry and M. Louise Thomas, August 26, 1875. Receiver | 500 00 |
| M. Truesdall, November 7, 1876. Receiver..... | 250 00 |
| Allen Monroe, September 20, 1876. Receiver..... | 599 60 |
| Allen Monroe, October 10, 1876. Receiver..... | 599 60 |
| Jesse Lantz, July 16, 1875. Receiver..... | 1,800 00 |
| W. H. Harrison, March 4, 1875. Receiver..... | 500 00 |
| J. H. Holcomb, January 7, 1876. Receiver..... | 750 00 |
| Louis Dlay, September 2, 1876. Receiver. | 50 00 |
| John Kennard, August 9, 1876. Receiver..... | 200 00 |
| John Kennard, September 2, 1876. Receiver..... | 200 00 |
| S. H. Doughty, December 11, 1875. Receiver..... | 231 00 |
| C. H. Dewey, July 25, 1876. Receiver..... | 53 95 |
| D. S. Walton, October 6, 1876. Receiver..... | 100 30 |
| R. J. Carpenter, March 8, 1874. Receiver..... | 43 62 |
| D. Tilton, August 26, 1876. Receiver..... | 179 93 |
| D. Tilton, October 23, 1876. Receiver..... | 166 93 |
| C. J. Ender, September 26, 1876. Receiver..... | 48 95 |
| Memorandas of H. C. Fish, Newark, and due. Receiver..... | 185 00 |
| Contract of re-insurance between the Continental Life Insurance Company and Empire Mutual Insurance Company. Contract Continental with the Empire. Contract as to B. Com. and International. | |
| Receipt of J. H. Stedwell for \$107,000 bonds and mortgage. Receiver. | |
| Receipt of J. H. Stedwell for \$116,800, bonds and mortgage. Receiver. | |
| Receipt of J. H. Stedwell for \$78,000, United States bonds. Receiver. | |
| List of general bonds and memoranda. Receiver. | |
| Mortgage of Eva A. Stewart, with memorandas attached. Receiver..... | 596 90 |
| Drafts of L. W. Frost, president, on the New Jersey Mutual Life Insurance Company, and accepted by J. H. Stedwell, president. Receiver. | |
| February 15, 1876, at four months. Receiver, for..... | 2,000 00 |
| February 15, 1876, at five months. Receiver, for..... | 2,000 00 |
| February 15, 1876, at six months. Receiver, for..... | 2,000 00 |
| February 15, 1876, at seven months. Receiver, for..... | 2,000 00 |
| February 15, 1876, at eight months. Receiver, for..... | 2,000 00 |
| February 15, 1876, at nine months. Receiver, for..... | 2,000 00 |
| February 15, 1876, at ten months. Receiver, for..... | 2,000 00 |
| February 15, 1876, at eleven months. Receiver, for.... | 3,594 44 |
| Package marked "A" said to contain worthless notes and checks. Receiver. | |

Contract of re-insurance with the Southern Life Insurance Company, and memoranda attached. Receiver.

Abstract title, Mrs. Geraldine M. Durrie. Receiver.

Abstract title, Mrs. Isabella Clark. Receiver.

Abstract title, Mrs. Mary A. Sanger. Receiver.

Abstract title, David M. Smith. Receiver.

Abstract title, Sarah P. Scribner. Receiver.

Deed, David Verplanck, referee for Mechanics' (Main street) property, Yonkers. June 18, 1878, page 84.

Deed, J. W. Sanderson, referee for Flatbush property. Receiver.

Deed, David Verplanck, referee for Buena Vista property, Yonkers. June 11, 1878, page 82.

Deed, Robert Merchant, referee for house in Macon street, Brooklyn. May 16, 1878, page 72.

Deed, Wilson Brown, Jr., referee for Getty property, Yonkers. July 23, 1878, page 90.

Bond of the Pavillion and United States Spring Company. Receiver, for \$1,500.

Bond of the Pavillion and United States Spring Company. Receiver, for \$650.

Bond of L. V. & John Styles and C. B. Harrison, for the faithful performance of L. V. Styles as cashier. Receiver.

Abstract of title, Eliza Arnold. Receiver.

Bond J. W. Ackerman. Receiver, for \$7,000

Bond J. H. Pooley. Receiver, for 7,000

Contract for property Sydney A. Ensign, Superintendent

J. F. Smith, acknowledged by Schedule A. for \$80,000

U. S. bonds account Continental. Receiver.....

Do for \$76,500 account Empire.....

Do for \$35,000 account Am. Tontine

Papers relating to claim against G. H. Scribner, as covered by Cowdert Brothers, receipt of 12th February 1877. Agreement between N. J. Mutual Life and Continental Life covered by same receipt. Receiver....

Following covered by receipt of Charles W. Sloan dated February 24, 1877.

Note W. O. Knight and Hugh McDonald, June, 1874.

Receiver \$833

Note W. O. Knight and Hugh McDonald, May 1, 1875.

Receiver 600

L. N. Maltby, July 17, 1875. Receiver..... 1,000

L. N. Maltby, October 20, 1875. Receiver..... 1,000

M. C. Wilcox and memorandum, December 11, 1871.

Receiver 2,977 88

J. H. Hinman, December 11, 1866. Receiver..... 4,167 56

Soloman Gumprecht, May 27, 1875. Receiver..... 150

W. H. Montgomery, May 10, 1872. Receiver 504 61

W. H. Montgomery, June 14, 1872. Receiver..... 1,180 83

W. H. Montgomery, December 1, 1873. Receiver..... 2,000

W. H. Montgomery, January 14, 1874. Receiver 2,870 48

John Fruchtricht, September 28, 1874. Receiver 500

Duncan McGregor, July 13, 1876. Receiver..... \$45 00
Also received a receipt book covering various receipts in nineteen pages, a portion relating to the New Jersey Receivership.
Also received the keys and possession of the building. Also received the books and papers as contained in the various safes and offices of the company. Above the receipt in pages.
Dated at New York, July 10, 1877.
(Copy) (Signed) JOHN P. O'NEILL,
Receiver.

Statement showing the assets in the State of New Jersey received and accounted for by John P. O'Neill, Receiver.

IN THE COURT OF CHANCERY OF THE STATE OF NEW JERSEY.

In the Matter of the Continental Insurance Company, an Insolvent Corporation. }

SUPREME COURT STATE OF NEW YORK.

John O. Hoyt, }
agst.
The Continental Life Insurance Company. }

Received New York December 21, 1877, from William R. Grace, receiver, appointed in above entitled actions, cash and securities and other properties as per following pages.

Check William R. Grace, receiver No. 21, on the New York Life Insurance and Trust Company for \$15,319.19, fifteen thousand three hundred and nineteen and nineteen one hundredths dollars favor John P. O'Neill, receiver for bonds and mortgages as follows :

| | |
|--|----------|
| Nos. | |
| 54, N. J. Classical and Scientific Institute (\$2,000 paid on account) p. 146, March 4, 1879 | \$40,000 |
| 62, Harriet Eaton, p. 76, May 29, 1878 | 1,500 |
| 75, Josiah and Susan A. Oakes, Wingate & Cullen..... | 12,000 |
| 76, George R. Hill. Receiver | 8,000 |
| 79, William and Susan W. Whitmore, Wingate & Cullen. | 6,000 |
| 81, Mary and Alfred Robinson. Receiver..... | 12,000 |
| 85, Gilbert T. and Gilbert H. Potter, p. 156, April 16, 1879 | 3,000 |
| 94 and 95, G. W. and Ellen M. Smith (2 mortgages \$5,000 each) p. 146, March 1, 1879 | 10,000 |
| 96, Emarilla Bean. Receiver | 5,000 |
| 97 and 103½, G. W. and Ellen M. Smith (8 mortgages \$5,000 each). Receiver | 40,000 |
| 112, C. and S. L. Miles, Wingate & Cullen | 7,000 |
| 114, G. W. and Ellen M. Smith. Receiver, January 6, 1879; p. 132, on account April 1, 1879; p. 156, September 3, 1879, p. 186 | 5,000 |

| | |
|--|-----------|
| 116, Charles and Luay Madison, Wingate & Cullen | \$4,000 |
| 125, Georgiana and H. W. Fowler. Receiver | 2,000 |
| 130, Charlotta and Edward Arnim, Wingate & Cullen.. | 3,000 |
| 143, Leonard and Elijah Pennington. Receiver | 1,200 |
| 148, H. B. and M. Moore, Wingate & Cullen | 3,000 |
| 155, H. and H. S. Downs, Wingate & Cullen | 9,000 |
| 162, J. P. Rogers. Receiver | 5,000 |
| 174, J. C. Howe and J. G. French. Receiver, January 21, 1880, p. 222 | 6,000 |
| 197, Alice J. and Andrew Childs (\$2,000 paid on account) assigned May 20, 1878, p. 72 | 5,000 |
| 292, Frank C. Mathews. Receiver | 1,875 |
| 351, A. C. Chapin and F. A. Irish (\$1,500 paid on account). Receiver, January 3, 1878, on account p. 126, June 10, 1879 : p. 170, account December 8, 1879. | 8,000 |
| 277, James C. and James P. Rogers. Receiver | 12,500 |
| 55, Giles, Wales & Co. Receiver | 30,000 |
| 110, Alfred and Mary Robinson. Receiver | 10,000 |
| Total | \$270,075 |

| | |
|---|-----------|
| Receipt of Mills & Church and order on them by W. R. Grace, receiver, for bond and mortgage, No. 216, Anna and John C. Thompson | 9,500 |
| | 279,575 |
| Less paid on account as above, together with abstract titles and fire insurance policies | 23,500 |
| | \$256,075 |

Deeds: C. F. Naughten to W. R. Grace, Receiver of property on Wright avenue, Marion, N. J., and fire insurance policy, sheriff's deed, and papers appertaining to Continental Life Insurance Company of property, Hughes' Landing, N. J., and fire insurance policy. December 10, 1879, p. 212.

Notes of the Ready Roofing Company, indorsed by the Pequamock Paper Company and A. Robinson, with protests and waivers of protests amounting to six thousand four hundred and eighty-four dollars and twenty-one cents (\$6,484.21). Draft dated October 10, 1874, for \$2,905, made by I. H. Stedwell attached to a bill-head of Continental Life Insurance Company, and a receipt of Coudert Bros. for certain pen maps and descriptions of properties. Receiver.

Appraisement of New Jersey properties, by A. D. Mellick, Jr., being the assets held by him by virtue of the New Jersey receivership ancillary to the receivership in New York, and delivered to me by virtue of an order of the Court of Chancery in the State of New Jersey, dated December 6, 1877. Receiver.

And also an order of the Supreme Court of the State of New York, dated December 19, 1877.

And being in full of the assets as shown by the report of William S. Gummers, master in chancery in and for the State of New Jersey, made on the 24th day of October, 1877, to the Court of Chancery in said State, except \$2,000, part of one mortgage alleged by Mr. Grace to have been erroneously included. And also as shown by the petition of William R. Grace presented to the Supreme Court of the State of New York, and said order made thereon on the 19th day of December, 1877.

[Copy.] Executed in duplicate,

JOHN P. O'NEILL
Receiver.

ANNUAL AND TOTAL TRIAL BALANCE TO MARCH 31, 1880. ALSO
ITEMS OF EXPENDITURES FROM DECEMBER 31, 1879, TO
MARCH 31, 1880.

Income Account.

TRIAL BALANCE FROM JULY 10, 1877, TO JULY 10, 1878.

Receipts.

| | |
|----------------------------------|--------------|
| From W. R. Grace, receiver | \$269,283 21 |
| From miscellaneous rents..... | 1,001 17 |
| From Continental building..... | 20,825 50 |
| From miscellaneous profits..... | 2,006 47 |
| From bonds and mortgages..... | 163,324 08 |
| From general interest | 35,344 12 |
| From fire insurance | 560 29 |
| From temporary loans..... | 1,607 75 |
| From real estate | 11,230 94 |
| From agents' accounts..... | 1,389 76 |
| | <hr/> |
| | \$506,573 29 |

Expenditures.

| | |
|--|--------------|
| For miscellaneous expenses and taxes | \$5,956 54 |
| For Continental building and taxes..... | 14,343 68 |
| For general interest and commissions..... | 5,077 50 |
| For orders of court..... | 49,170 88 |
| For salaries | 16,081 65 |
| For fire insurance..... | 1,560 44 |
| For Wingate & Cullen..... | 274 45 |
| For expenses | 854 72 |
| | <hr/> |
| | \$93,319 86 |
| For United States bonds | \$270,000 00 |
| Cash on hand | 143,253 43 |
| | <hr/> |
| | 413,253 48 |
| | <hr/> |
| | \$506,573 29 |

TRIAL BALANCE FROM JULY 10TH 1878, TO JULY 10TH, 1879.

Receipts.

| | |
|--|--------------|
| From cash on hand..... | \$143,253 43 |
| From miscellaneous rent and expense..... | 133 33 |
| From Continental Building, rent and expense..... | 27,823 48 |
| From bonds and mortgages.... | 112,617 03 |
| From general interest..... | 32,671 10 |
| From miscellaneous profits..... | 622 23 |
| From fire insurance..... | 249 88 |
| From temporary loans..... | 16,688 98 |
| From real estate..... | 12,018 14 |
| | <hr/> |
| | \$346,077 60 |
| | <hr/> |

Expenditures.

| | |
|---|--------------|
| Cash on hand..... | \$77,014 03 |
| For United States bonds..... | 170,150 00 |
| For miscellaneous rent and expense..... | 1,121 16 |
| For Continental building, rent and expense..... | 15,076 30 |
| For expenses..... | 649 05 |
| For fire insurance..... | 939 03 |
| For salaries..... | 14,050 00 |
| For orders of court..... | 67,078 03 |
| | <hr/> |
| | \$346,077 60 |
| | <hr/> |

TRIAL BALANCE FROM JULY 10, 1879, TO DECEMBER 31, 1879.

Receipts.

| | |
|--|--------------|
| From cash on hand..... | \$77,014 03 |
| From sale of United States bonds..... | 101,480 00 |
| From Continental building..... | 12,670 33 |
| From miscellaneous profits..... | 988 50 |
| From miscellaneous rents..... | 364 75 |
| From bonds and mortgages..... | 24,769 38 |
| From general interest..... | 10,025 26 |
| From orders of court..... | 12 88 |
| From temporary loans (old ledger)..... | 7,102 30 |
| From fire insurance..... | 162 87 |
| From sales of real estate..... | 9,813 25 |
| | <hr/> |
| | \$244,403 55 |
| | <hr/> |

Expenditures.

| | |
|---------------------------------------|-------------|
| Cash on hand..... | \$92,580 30 |
| For dividend account..... | 126,519 90 |
| For Continental building..... | 10,301 41 |
| For expenses, company's property..... | 797 01 |

| | |
|--------------------------|--------------|
| For expenses..... | \$229 75 |
| For orders of court..... | 8,482 64 |
| For salaries..... | 4,715 00 |
| For fire insurance..... | 321 05 |
| For real estate..... | 456 49 |
| | <hr/> |
| | \$244,403 55 |

TRIAL BALANCE FROM JULY 10, 1877, TO DECEMBER 31, 1879.

Receipts.

| | |
|--|--------------|
| From W. R. Grace, Receiver..... | \$269,283 21 |
| From miscellaneous rents..... | 1,499 25 |
| From Continental building..... | 61,319 31 |
| From miscellaneous profits..... | 3,617 20 |
| From bonds and mortgages..... | 300,710 49 |
| From general interest..... | 78,040 48 |
| From fire insurance..... | 973 04 |
| From temporary loans (old ledger)..... | 25,399 03 |
| From real estate..... | 33,062 33 |
| From agents' accounts..... | 1,389 76 |
| From order of court..... | 12 88 |
| | <hr/> |
| | \$775,306 98 |

Expenditures.

| | |
|--|--------------|
| Cash on hand.. | \$92,580 30 |
| For miscellaneous expenses, company's property..... | 7,874 71 |
| For Continental building..... | 39,721 39 |
| For salaries.... | 34,846 65 |
| For expenses..... | 2,007 97 |
| For premiums and commissions on United States bonds..... | 5,077 50 |
| For fire insurance..... | 2,820 52 |
| For dividend account—Amounts paid.... | \$114,514 92 |
| Cash on hand.... | 12,004 98 |
| | <hr/> |
| | 126,519 90 |
| For real estate.... | 456 49 |
| For United States on hand..... | 338,670 00 |
| For orders of court..... | 124,731 55 |
| | <hr/> |
| | \$775,306 98 |

Orders of Court, chargeable to former Receiverships of the Continental Life Insurance Company.

| | | | |
|------------|-------------|-------------|----------|
| No. 1..... | \$13,853 17 | No. 6..... | \$430 00 |
| No. 2..... | 912 61 | No. 7..... | 984 79 |
| No. 3..... | 625 00 | No. 8..... | 1,170 55 |
| No. 4..... | 6,024 24 | No. 9..... | 5,413 50 |
| No. 5..... | 2,815 07 | No. 10..... | 1,000 00 |

| | | | |
|-------------|----------|-------------|----------|
| No. 11..... | \$917 59 | No. 22..... | \$830 00 |
| No. 12..... | 349 27 | No. 23..... | 183 25 |
| No. 13..... | 1,324 30 | No. 27..... | 100 00 |
| No. 14..... | 1,091 13 | No. 29..... | 782 17 |
| No. 17..... | 570 00 | No. 30..... | 680 15 |
| No. 18..... | 200 00 | No. 31..... | 7,346 15 |
| No. 19..... | 5 80 | No. 33..... | 350 00 |
| No. 20..... | 325 93 | No. 34..... | 585 00 |
| No. 21..... | 1,162 68 | No. 38..... | 882 64 |

| | | | |
|---|--|--|-------------|
| | | | \$50,909 99 |
| Deduct this from ledger balance..... | | | 124,718 67 |
| Chargeable to present receivership..... | | | \$73,808 68 |

INCOME ACCOUNT.

Income of Present Receivership.

| | |
|--|--------------|
| From Continental building..... | \$21,597 92 |
| Additional six months taxes paid in excess..... | 4,190 50 |
| General interest account..... | 72,962 98 |
| Miscellaneous profits..... | 3,617 20 |
| Value of United States bonds above amount carried on ledger..... | 11,347 50 |
| | \$113,716 10 |

Expenses of Present Receivership.

| | |
|---|--------------|
| Expense account..... | \$2,007 97 |
| Salaries..... | 34,846 65 |
| Orders of court chargeable to present receivership..... | 73,308 68 |
| | \$110,663 30 |
| Balance of profit..... | 3,052 80 |
| | \$113,716 10 |

TRIAL BALANCE FROM DECEMBER 31, 1879, TO MARCH 31, 1880.

Receipts.

| | |
|--|--------------|
| Cash on hand..... | \$92,580 30 |
| From United States bonds sold..... | 199,670 00 |
| From bonds and mortgages..... | 18,359 99 |
| From fire insurance..... | 4 00 |
| From miscellaneous profits..... | 9,187 91 |
| From temporary loans (old ledger)..... | 16,500 00 |
| From real estate..... | 114 00 |
| From agents accounts (old ledger)..... | 71 56 |
| From rent Continental building..... | 7,100 00 |
| From general interest..... | 11,645 31 |
| | \$355,233 07 |

Expenditures.

| | |
|--|----------------------------|
| For expense..... | \$153 10 |
| For salaries | 2,690 00 |
| For real estate..... | 39 86 |
| For Continental building expenses | 827 53 |
| For orders of court..... | 6,769 14 |
| Dividend account vouchers..... | 1,558 00 |
| Dividend account vouchers..... | 291,934 64 |
| Deposit in Third National bank March 31, 1880 | 20,070 34 |
| Deposit in Third National bank December 31, 1879.. | 12,004 98 |
| | <u>\$8,065 36</u> |
| | 301,558 00 |
| Cash on hand March 31, 1880 | 43,195 44 |
| | <u><u>\$355,233 07</u></u> |

Cash.

| | |
|--|--------------------|
| 1880. | |
| March 31, in United States Trust Company as per bank book | \$39,256 21 |
| March 31, in Third National bank book | 1,098 61 |
| March 31, in Fourth National bank book..... | 1,648 86 |
| March 31, in office as per cash book | 1,191 76 |
| | <u>\$43,195 44</u> |

United States Bonds.

| | |
|--|-----------|
| 1880. | |
| March 31, in United States Trust Company as per certi- ficate | \$139,000 |

Expense.

| | |
|--|--------|
| 1880. | |
| January 3, for post-office box..... | \$4 00 |
| January 6, for stationery E. Wells Sackett & Brother | 2 75 |
| January 14, for Law Telegraph Company | 15 00 |
| January 30, for E. Faber, rubber bands | 2 30 |
| January 31, for petty cash | 15 45 |
| February 2, for Collins Hall, copying reports..... | 9 00 |
| February 5, for E. Faber, rubber bands..... | 6 75 |
| February 9, for James O. Brennan, copying reports | 15 84 |

| | |
|---|----------|
| February 9, for Deutsch & Co., lamp oil | \$6 25 |
| February 12, for E. Wells Sackett & Brothers, stationery... | 16 75 |
| February 18, for Law Telegraph Company | 15 00 |
| February 28, for petty cash..... | 6 55 |
| March 2, for E. Faber, stationery bill | 3 75 |
| March 9, for E. Wells Sackett & Brother | 2 25 |
| March 12, for Law Telegraph Company | 15 00 |
| March 20, for Gillespie copy for referee | 5 00 |
| March 21, for petty cash..... | 11 46 |
| | <hr/> |
| | \$153 10 |
| | <hr/> |

Salaries.

| | |
|---|------------|
| 1880. | |
| March 31, from December 31st to date..... | \$2,690 00 |
| | <hr/> |

Real Estate.

| | |
|--|---------|
| 1880. | |
| March 1, Lawrence collector taxes for property at Mendham. | \$28 96 |
| March 2, Brown collector taxes for property at Binghamton. | 10 90 |
| | <hr/> |
| | \$39 86 |
| | <hr/> |

Continental Building.

| | |
|--|----------|
| 1880. | |
| January 2, for Dudley, janitor | \$229 41 |
| January 23, for Hartford Steam Boiler Company | 25 00 |
| January 24, for Edmonds and general divisional bill engineers supplies..... | 26 63 |
| March 23, for repairs general divisional bill | 36 15 |
| March 26, for Kraser general divisional bill elevator seats .. | 3 00 |
| March 27, for Lynch general divisional bill elevator seats ... | 8 25 |
| February 2, for Dudley, janitor..... | 229 41 |
| February 14, for A. Sims, plumbing bill | 42 52 |
| March 1, for Dudley, janitor | 227 16 |
| | <hr/> |
| | \$827 53 |
| | <hr/> |

Orders of Court.

| | |
|---|------------|
| 1880. | |
| January 3, for J. P. O'Neill, receiver to take title | \$1,363 18 |
| January 9, for J. P. O'Neill, receiver to take title..... | 5 25 |
| January 10, for J. P. O'Neill, receiver..... | 600 00 |
| January 22, for Barnes & Hanover | 1,556 87 |
| January 26, for J. P. O'Neill, receiver to take title | 430 16 |
| January 10, for J. P. O'Neill, receiver..... | 600 00 |
| | <hr/> |

| | |
|--|------------|
| February 19, for J. P. O'Neill, receiver, to take title..... | \$233 43 |
| March 10, for J. P. O'Neill, receiver..... | 600 00 |
| March 10, for Frederick P. Fairbanks | 703 25 |
| March 10, for Charles H. Russell..... | 55 00 |
| March 11, for George A. Nourse | 122 00 |
| March 18, for Brown & Tomlinson..... | 500 00 |
| | <hr/> |
| | \$6,769 14 |

Dividend Account.

1880.

| | |
|--|----------|
| January 1, for pay-roll..... | \$100 00 |
| January 3, for pay-roll..... | 18 00 |
| January 6, for printing..... | 18 50 |
| January 9, for pay-roll to date..... | 18 00 |
| January 10, for pay-roll to date..... | 100 00 |
| January 15, for pay-roll to date..... | 18 00 |
| January 17, for pay-roll to date..... | 20 00 |
| January 24, for advertising N. Y. Sun | 15 60 |
| January 24, for advertising News Company..... | 9 90 |
| January 24, for advertising N. Y. Star | 7 20 |
| January 26, for advertising Tribune..... | 9 00 |
| January 26, for advertising Graphic..... | 7 80 |
| January 26, for advertising Daily Bulletin | 5 40 |
| January 26, for advertising Evening Mail..... | 9 00 |
| January 28, for advertising Times | 7 20 |
| January 28, for advertising Evening Post..... | 5 40 |
| January 28, for advertising Express..... | 7 20 |
| January 28, for advertising World..... | 6 60 |
| January 30, for advertising in Truth..... | 7 20 |
| January 30, for advertising in Wall St. Daily News.... | 12 00 |
| January 31, for pay-roll to date..... | 20 00 |
| February 2, for pay-roll to date..... | 150 00 |
| February 4, for U. S. post-office..... | 40 00 |
| February 5, for advertising in N. Y. Herald..... | 14 40 |
| February 5, for advertising in Journal of Commerce... | 7 80 |
| February 7, for pay-roll to date | 5 00 |
| February 12, for advertising in Evening Telegram..... | 9 00 |
| February 12, for advertising in Spectator | 5 00 |
| February 14, for pay-roll to date..... | 235 00 |
| February 14, for Arthur & Bownell, death proofs..... | 27 75 |
| February 16, for advertising in Independent | 67 20 |
| February 19, for advertising in Insurance Times..... | 10 00 |
| February 21, for pay-roll to date | 5 00 |
| February 28, for pay-roll to date..... | 5 00 |
| March 1, for pay-roll to date..... | 230 00 |
| March 1, for United States postage stamps..... | 30 00 |
| March 6, for advertising Commercial Advertiser..... | 10 35 |
| March 6, for pay-roll to date | 5 00 |
| March 13, for pay-roll to date..... | 5 00 |
| March 15, for pay-roll to date | 230 00 |
| March 30, for pay-roll to date | 5 00 |
| March 26, for advertising N. Y. Staats Zeitung..... | 4 50 |
| March 27, for pay-roll to date | 5 00 |

| | |
|---|--------------------------|
| March 30, for United States postage stamps | \$30 00 |
| March 31, for vouchers paid to date from January 1, 1880 | 291,934 64 |
| For Deposit in Third National Bank March 31, 1880 | \$20,070 34 |
| For deposit in Third National Bank December 31, 1879..... | 12,004 98 |
| | <hr/> 8,065 36 |
| | <hr/> <hr/> \$301,558 00 |

TRIAL BALANCE FROM JULY 10, 1877, TO MARCH 31, 1880.

Receipts.

| | |
|---|----------------------|
| From W. R. Grace, receiver..... | \$269,283 21 |
| From U. S. bonds sold..... | 301,150 00 |
| From miscellaneous rents..... | 1,499 25 |
| From bonds and mortgages..... | 319,070 48 |
| From fire insurance on property owned under mortgage..... | 977 04 |
| From miscellaneous profits..... | 12,805 11 |
| From temporary loans (old ledger)..... | 41,899 03 |
| From real estate | 33,176 33 |
| From agents' accounts (old ledger) | 1,461 32 |
| From Continental building..... | 68,419 31 |
| From general interest | 89,685 79 |
| From orders of court | 12 88 |
| | <hr/> \$1,139,439 75 |

Expenditures.

| | |
|--|----------------------------|
| For United States bonds..... | \$440,150 00 |
| For miscellaneous expenses company's property | 7,874 71 |
| For expenses | 2,161 07 |
| For fire insurance on property owned under mortgage | 2,820 52 |
| For salaries..... | 37,536 65 |
| For real estate taxes..... | 496 35 |
| For Continental building | 40,548 92 |
| For company's interest and premiums on purchase of U. S. bond..... | 5,077 50 |
| For orders of court..... | 131,500 69 |
| For dividend account vouchers..... | \$404,970 26 |
| For dividend account vouchers | 3,077 90 |
| | <hr/> \$408,048 16 |
| Balance in bond or mortgage..... | 20,070 34 |
| | <hr/> \$428,118 50 |
| Deducting check No. 2066 drawn and deposited | 40 60 |
| | <hr/> 428,077 90 |
| Cash on hand March 31, 1880 | 43,195 44 |
| | <hr/> <hr/> \$1,139,439 75 |

TUESDAY, *December 16th*, 1879.

SUPREME COURT :

In the Matter of the Attorney-
General
agst.
The Continental Life Insurance
Company.

*Before Hon. Henry J. Scudder,
Referee.*

Appearances — Alton B. Parker, Esq., for Attorney-General; the Receiver, personally, and by Wingate & Cullen, attorneys.

R. J. Moses, J., Esq., for various policy holders.

Adjourned to December 30, 1 p. m.

December 30th, 1879.

Parties meet and proceed. Mr. John P. O'Neill, sworn. Mr. J. O. Tobias, sworn.

Mr. John P. O'Neill examined by Mr Cullen.

Q. You are the Receiver in this proceeding? A. Yes, sir.

Q. When did you file your last report? Up to when? A. Up to the tenth day of July, 1878.

Q. This present report is for the following year? A. Tenth of July, 1879.

Q. This report, now before the Referee, then is from July 10, 1878, to July 10, 1879, and includes all of your transactions, all of your receipts, expenditures and disbursements? A. Yes, sir.

[Mr. O'Neill's examination dropped.]

Mr. J. O. Tobias examined by Mr. Cullen.

Q. What is your position in the Continental? A. I am an assistant to the Receiver, and have charge of the clerical department; an actuary with it.

Q. How many interest paying mortgages have you at the present time? A. Twenty-six interest paying mortgages; principal sum is \$136,950.

Q. Why do you not call in any of those mortgages? A. Because we had no use for the money, and because they paid 7 per cent.

Q. You thought then it was good judgment not to convert them into cash? A. Yes, sir; because we were only getting two per cent. from the United States Trust Company, and this paid seven per cent.

Q. These other assets mentioned in your report, United States bonds, four per cent., registered and deposited in the United States Trust Company? A. Yes.

Q. Those are registered in the name of the Receiver? A. Yes; and deposited with the United States Trust Company. The actual custody is with the United States Trust Company. These, of course, could not be taken out without an order, and being registered they could not be hypothecated.

Q. Ten Yonker's City Water bonds? A. Those are good; pay ten per cent.

Q. Note of William C. Worth? A. Good; pay seven per cent.

Q. That was \$33,500? A. Yes; we have that as collateral secu-

rity. It is reported to be good, and we get the interest on our money; the principal will be paid at any time. As I did not care about the principal I took the seven per cent. interest.

Q. There are several entries here that are worthless, and I am tolerably familiar with them myself; and I shall pass all those. There are two hundred shares of Marine National Bank stock at twenty-five dollars each? A. Can show that that is worth nothing.

Q. Mr. Law thinks they will probably be worth fifty cents on the dollar? A. May be.

Q. Eleven bonds of Adirondack Company, what are those worth? A. Worth nothing at present — think they will be worth something.

Q. This book contains a true statement? A. That contains a true statement of the nominal assets, as it stood on the 10th day of July, 1879; the statement contains a trial balance for the year and a copy of the ledger with the number of vouchers and pages of the cash book.

Q. I do not see the items of receipt here? A. They are all there; receipts for cash, miscellaneous, etc., and here are the receipts for expenses.

Q. I refer to the itemized receipts? A. That is all in the cash books, not in the ledger.

[The memorandum book offered in evidence by counsel for the Receiver, marked Exhibit A; Dec. 30, '79. A. C. Stowell.]

[The cash book of the Receiver, offered in evidence by Mr. Cullen, marked Exhibit B; Dec. 30, 1879. A. C. Stowell.]

[The ledger offered in evidence by Mr. Cullen, marked Exhibit C; Dec. 30, 1879. A. C. Stowell.]

[Copy of original inventory offered in evidence by Mr. Cullen, marked Exhibit D; Dec. 30th. 1879. A. C. Stowell.]

Q. On July 10th, 1877, W. R. Grace, late Receiver, handed to John P. O'Neil, as follows:

| | |
|---|--------------|
| Three certificates of deposit in the New York Life Insurance and Trust Company for \$50,000 each..... | \$150,000 00 |
| Check on the N. Y. Life Insurance and Trust Co. for .. | 91,170 18 |
| Another check on the same for | 5,450 44 |
| Check on the Marine National Bank for..... | 4,697 56 |
| Another check on the same for..... | 2,080 00 |
| Currency..... | 565 84 |

Making a total of..... \$253,964 02

The first item of receipt, what is that? A. Five thousand dollars principal on mortgage, bond and mortgage No. 131 of Francisco Davis.

Q. A little more? A. Five thousand dollars and \$38.88 interest.

Q. The next? A. Satisfaction of mortgage, \$2,000 principal and \$80.10 interest.

Q. What is that? A. Alfred Harding, satisfaction of mortgage No. 44.

Q. The next? A. Patrick J. Curren, six months' interest on bond and mortgage, \$105.

Q. The next? A. Mortgage No. 221, seventy dollars for six months interest; the next item is interest credited July 10th, 1877, on certificates N. Y. Life Insurance and Trust Company, \$1,555.54; the next is H. F. Brevoort, mortgage No. 37, paid for assignment \$7,000 and interest \$61.27, making a total of \$7,061.27.

Q. The next item on July 14th? A. H. W. Bashford, \$64.10.

Q. Is there another item with it? A. Sixty-four dollars.

Q. There is \$122 here? A. I do not see any thing about \$122; during my first few days there; I have not every thing as complete as I have after I had been there a week.

| | |
|---|----------------|
| Commissions, 5 per cent is | \$6 10 |
| Legal expenses dispossessing tenants..... | 17 25 |
| Home repairs to well..... | 15 00 |
| Oakley, repairs | 17 00 |
| Washburne, repairs..... | 2 55 |
| Total..... | <u>\$57 90</u> |

Mr. Bashford was the agent of the former receiver for the collection of rents, and took charge of the company's property to the appointing of the present receiver. He is a real estate agent at Yonkers, N. Y., and was therefore kept in the same position as long as we had any thing to do for it.

By REFEREE :

Q. What did you want him to do? A. He was collecting rents of the property belonging to the company.

By COUNSEL :

Q. July 16th, Samuel A. Seager? A. Bond and mortgage, six months' interest, \$200.

Q. \$210? A. That is all it is here.

Q. It is \$210 here? A. It is blotted here, may be it is.

Q. What is the next item? A. July 17th, check for rent \$450; Shearman & Sterling.

Q. The next item? A. Joseph and Mary Ann Perry, \$87.50, for six months' interest.

Q. What is the next item? A. Charles Scandalla and wife, bond and mortgage, \$2,400, \$119.92 cash, satisfaction of mortgage \$2,519.92.

Q. William M. Whitmore? A. Check for \$210, six months' interest

Q. Jacob A. Gross? A. Check for \$315 for six months' interest on bond and mortgage.

Q. Converse & Lyman? A. Quarter's rent of office \$125.

Q. The next Osborne & Budlong? A. The same \$100 for quarter's rent.

The next? A. Edward Burns and wife, check for \$5,053.69, for bond and mortgage.

Q. The next? A. Charles M. and Sarah Ellen Partridge, bond and mortgage, \$110, for the balance of six months' interest.

[This examination is suspended and the books are to be left in the receiver's office to allow any one who wishes to, to examine them.]

[Mr. Cullen to notify the interveners.]

Q. In what condition did you find this company when you took possession in regard to the accounts? A. We found (what we considered) the books of the company in a very bad condition, interlineations and erasures. I have had competent and skillful persons to examine them, and we have found, that from the birth of the company it has been insolvent; that it has never been solvent from the time it was incorporated. It has involved a vast amount of labor, thousands upon thousands of vouchers and checks, and I might almost say tons of books. Then the papers and vouchers were in such a state of disorder that it required a vast amount of time to get them in a condition from which we could get any data from them. We have missed several important vouchers, which we presumed were carried off.

Q. It became necessary to employ several accountants? A. Yes sir, our usual force; and one other person. I consider them first class accountants. We have had, what I have always thought, a short number of hands. In fact, I have had to work Sundays and holidays to keep up with it.

Q. While Mr. Grace was receiver, was there not a reference before Mr. William Allen Butler? A. Yes sir, there was.

Q. And Mr. Butler made a report? A. Yes, sir.

Q. Which was duly filed in Kings county? A. Yes, sir.

Q. The report was printed, was it not? A. Yes, sir.

Q. And copies of these were distributed all over the country, were they not? A. Yes, sir.

[The report of Mr. William Allen Butler offered in evidence by Mr. Cullen.]

[Marked Exhibit E.; December 30, 1879. A. C. Stowell.]

Q. What does this report contain? A. An inventory of all the present assets of the company, nominal assets.

Q. In those cases where it differs from the original inventory; where notes have been released or paid, this inventory states that, does it not? A. In relation to the notes of Burns and Whitehead, contained in that report, the matter as to one of the defendants was compromised by order of the court, leaving the other responsible for the full amount, that is all.

By Mr. PARKER:

Q. In your receipts in acknowledgment of payments of certain sums of principal, is that the entire payments of principal? A. I think it was in all cases but one, the case of Price, where they paid in a portion of their principal, everybody else has always paid their principal in full, and interest up to date.

Q. Can you state from recollection, how many mortgages you have foreclosed in all? A. No sir, I could not.

[The witness states, that all the property that has been bought in under foreclosure by the receiver and has since been sold by him, has been sold at an advance.]

Q. What proportion of the property bought in, has been sold? A. Two-thirds of it. Some I have made as high as five thousand dollars on, and in one case I made nine thousand dollars.

Adjourned to January 8, 1880, at one o'clock P. M.

THURSDAY, January 8, 1880.

Parties meet and proceed.

Mr. J. O. Tobias, recalled, and examined by Mr. ALTON B. PARKER:

Q. Mr. Tobias, will you state what assets Mr. O'Neill received from William A. Grace, receiver? A. Three certificates of deposit of the New York Life Insurance and Trust Company of \$50,000 each..... \$150,000 00
Check New York Life Insurance and Trust Company.. 91,170 18
Second check New York Life Insurance and Trust Company 5,450 44
Check of the Marine National bank 4,697 56
Another check of the Marine National bank 2,080 00
Currency 565 84

Making a total of \$253,964 02

That is what we received, that much money.

Q. Was Mr. Grace also appointed receiver in the courts of New Jersey? A. He was, and did not succeed in passing his account through and it was not effected until sometime in December 1877.

Q. After his accounts were passed in New Jersey in December 1877, did he turn over all the assets to Mr. O'Neill? A. He did.

Q. What were they? A. He turned over \$15,319.19 in cash, besides various bonds and mortgages relating to New Jersey properties.

Q. Did you at any other time receive any other moneys or certificates of deposit from Mr. Grace, than those you have now mentioned? A. No sir, I think not.

Q. What other securities did you receive from Mr. Grace? A. Bonds and mortgages.

Q. To what amount? A. I believe that is the only thing I did not bring with me, the list of bonds and mortgages; I will furnish a list.

Q. Did you receive any other securities besides the bonds and mortgages and the assets you have mentioned? A. I have received the ten one thousand dollar bonds of the city of Yonkers, the Water bonds.

Q. Did you give Mr. Grace receipts covering the property turned over by him to Mr. O'Neill; the New York property? A. Yes, sir.

Q. And also, did you give him a receipt for the personal property in New Jersey turned over to Mr. O'Neill? A. Yes, sir.

Q. Have you copies of those receipts? A. I have.

[Receipts offered in evidence, marked Exhibits 1 and 2, January 8, '80. A. C. Stowell.]

Q. Did you receive from any other source, or discover any personal property outside of that which you received from Mr. Grace? A. Well, I found a certificate of some bank in Boston for one share, valued at \$100. I did not find any other personal property, except that I made good one mortgage of \$6,000 that he had a title to, but did not have the title completed, which I made good; and various satisfactions, which swelled up our assets, and several notes. I also

collected \$300 in dividends from the United States Government, of which we received information, belonging to the Continental Life Insurance Company.

Q. Have you collected any balances from agents? A. That is in the attorney's hand. I had a settlement with Langley. No; we have had no settlement of agents' accounts as yet. Yes; I have had a settlement of two of J. W. Langley, one of \$596.85, and another of \$500, and one from a man named Burns of \$292.92.

Q. Those amounts you have received? A. Those amounts I have received.

Q. Was there any thing in the schedule which you received from Mr. Grace in the shape of notes or otherwise, respecting these amounts?

A. Yes, sir; that is, we received the \$500, and that was in the assets given by Mr. Grace, and the notes of Burns was in the assets.

Q. Then you have only received in addition to the assets turned over by Mr. Grace from agents? A. \$596.85.

Q. The balance of the amounts you have just mentioned as being agents' balances were represented by notes received from Mr. Grace, and returned in the schedule of assets? A. Yes, sir.

Q. You have made attempts to collect other balances from agents?

A. Yes, sir; suits are in progress. I have a large number of these agents residing in other cities. When they pay us a visit to see about their matters I generally have some blank summons, fill them up and present them to them. That is the only way we can get at them.

Q. You have instituted a large number of suits against agents for balances? A. Yes, sir.

Q. Do you find in all instances that the balances shown by the books against the agents are actually due the company? A. In very rare instances, in accordance with the statements made by the agents themselves.

Q. What is the actual condition of the books with reference to the balances shown against the agents? A. We find in the agents' accounts that they were falsified to a very large extent, as we believe, for the purpose of making up false balances.

Q. What real estate came into the possession of the Receiver? A. We own one-half of the premises in Nassau street, on the east side, between Pine and Cedar streets, the upper half, Nos. 22, 24 and 26 Nassau street, with an entrance at No. 20. Nominal value is, \$622,003.62. It has been appraised at \$325,000.

Q. When was that appraisement made? A. During the administration of Mr. Grace.

Q. How and by whom? A. By a gentleman in the employ of Couderdt Brothers; his name is Mr. Mellick.

Q. What property did Mr. Mellick appraise? A. He appraised the Continental building property and the properties in the State of New Jersey.

Q. Was all of the real estate of the Continental appraised by parties? A. Not all of the real estate—the bonds and mortgages were appraised by different parties; we had no real estate in the city of New York outside of the Continental building—nothing that we owned.

Q. Now you can go on? A. When I came into possession, we also

owned the Rogers' property at Plainfield, New Jersey, which the company had loaned \$25,000 on, and was bought in by the former Receiver for \$9,000, the appraised value of which is \$15,000; that was appraised by Mr. Mellick; the company also owned property at Plainfield, corner of Fifth and Sycamore streets, known as the Flagg property, which they had loaned \$12,500 on; was bought in for \$4,000; it was appraised at \$10,500; we also owned a farm in Mendham Township, Morris county, New Jersey, known as the Thompson bond and mortgage, which the company had loaned \$9,000 on, and appraised at \$6,000.

Q. When were these appraisements made? A. These appraisements were made in March, 1877, for Mr. Grace, by A. D. Mellick, Jr.; the company also owned at Flatbush, Kings county, New York, some lots known as bond and mortgage number 232, which they loaned \$2,500 on, and it was purchased at foreclosure sale for \$250; the entire property was appraised at \$800; the company also owned ten houses and lots of land situated at Marion, New Jersey, and known as the property of the Marion Building Association, on which they loaned \$20,000 and afterward bought in on a judgment by the company, which property has since been sold at a great loss; they also owned one-half of the United States Watch-work Company at Marion, New Jersey, on which the company loaned \$25,000; premises in the township of Harrison, Hudson county, at East Newark, known as the Robinson bond and mortgage number 110; the amount loaned on bond and mortgage was \$10,000, purchased at foreclosure sale for \$2,050; premises at Huyler's Landing, Palisade township, known as the Burbank property; amount loaned on bond and mortgage \$8,000, bought in for \$1,000; premises in the city of Yonkers, known as the Getty property; amount loaned by the company \$27,000; bought in by William R. Grace, as Receiver, for \$8,100; property in Brooklyn, known as the Week's bond and mortgage in Manhan street; \$5,000 loaned on it by the company.

Q. This real estate came into the possession of Mr. O'Neill when he was appointed receiver? A. Yes, sir.

Q. Are all of the bonds and mortgages which you received from Mr. Grace enumerated in the two receipts which you gave him for assets received? A. They were, yes, sir.

Q. You have not the total footings now? A. No, sir.

Q. How much actual cash has the receiver realized from the amounts turned over by Mr. Grace, and on property disposed of by him, subsequent to the appointment of Mr. O'Neill as receiver, up to January 1, 1880? A. From William R. Grace, former

| | | |
|---|-----------|----|
| receiver..... | \$269,283 | 21 |
| From miscellaneous rents from July 9, 1877, to July 9, 1878 | 1,001 | 17 |
| From the rent of the Continental building..... | 20,825 | 50 |
| From miscellaneous profits of various matters of which was not actual assets of the company.... | 2,006 | 47 |

(Under the head of miscellaneous profits the receiver has credited the trust with all commissions received from fire insurance companies, which were in the habit of being paid to the agent giving personal supervision to the matters and other similar matters; copies of policy of insurance written for various parties for which we

charged a fee for copying, those were given to the benefit of the trust, and all services performed by which there were a few dollars made. We have given the trust the benefit of everything — of every dollar that has come into the place in any form. As an illustration, if parties would write from different cities, wanting a copy of a life policy to be used in the courts of other cities, we would charge a fee for that purpose, of which we would give the trust the benefit of it.)

| | |
|--|--------------|
| We have received on account of bonds and mortgages, of foreclosures, satisfactions and assignments..... | \$163,324 08 |
| General interest, which includes interest on bonds and mortgages, interest on deposits, etc | 35,344 12 |
| Fire insurance, paid by mortgagors..... | 560 29 |
| Temporary loans, that include collaterals owned by the company and afterward converted into cash and kept under the same heading | 1,607 75 |
| Real estate, for the sale of which we have received..... | 11,230 94 |
| Agents' accounts, for the settlement of which we have received | 1,389 76 |

Making a total for the year ending July 9, 1878 ... \$506,573 29

| | |
|--|------------|
| Q. What cash did you receive from July 8th, 1878, up to and including the date of the second report, July 9, 1879? A. Miscellaneous rent and expenses, that is from rents and other matters connected with real estate | \$133 33 |
| For the rent of the Continental building..... | 27,823 48 |
| From the foreclosure, satisfaction and assignment of bonds and mortgages..... | 112,617 03 |
| From general interest account which embraces interest on bonds and mortgages, temporary loans by the company, not by the receiver, and interest on deposits... | 32,671 10 |
| Miscellaneous profits, which I have already explained.. | 622,23 |
| Fire insurance paid by mortgagors..... | 249 88 |
| Temporary loans paid on account of principal..... | 16,688 98 |
| Real estate, for the sale of which we have received..... | 12,018 14 |

Making a total of..... \$202,824 17

| | |
|---|--------------|
| Q. What cash did you receive from July 9, 1879, up to and including December 31, 1879? A. From sale of United States bonds | \$101,480 00 |
| For the rent of the Continental building..... | 12,670 33 |
| From miscellaneous profits, of which is included the profits on the sale of U. S. bonds..... | 988 50 |
| From miscellaneous rents from real estate..... | 364 75 |
| From the sale, satisfaction and foreclosure of bonds and mortgages..... | 24,769 38 |
| From general interest account, from interest on bonds and mortgages, deposits, etc..... | 10,025 26 |
| On credit of an order of court account (this is by Messrs. Wingate & Cullen getting an order of court for a certain amount of money to pay taxes, etc. They charged | |

| | |
|--|----------|
| me so much more than they should, and returned the amount credited to me)..... | \$12 88 |
| From temporary loans (old ledger)..... | 7,102 30 |
| From fire insurance account, paid by mortgagors..... | 162 87 |
| From sales of real estate | 9,813 25 |

Making a total of..... \$167,389 52

Q. Making a grand total of cash received by Mr. O'Neil up to and including December 31st, 1879 — how much? A. Eight hundred and seventy-six thousand, seven hundred and eighty-six dollars and ninety-eight cents.

Q. Was not the \$101,480 which you received for government bonds, the proceeds of money invested by Mr. O'Neil as Receiver? A. Yes, sir.

Q. That amount then should be deducted from the \$876,786.98? A. Yes, sir.

Q. The actual cash, therefore, collected by Mr. O'Neil, was how much? A. Seven hundred and seventy-five thousand, three hundred and six dollars and ninety-eight cents.

Q. Mr. Tobias, what were your disbursements in the year beginning July, 1877, and ending July, 1878? A. For miscellaneous expenses and taxes, that includes taxes upon real estate and all expenses attending real estate

\$5,956 54

For the expenses attending the keeping of the Continental building.....

14,343 68

Q. What does that item cover? A. It covers taxes, janitor's fees, elevator boys, engineer, fireman, coal, repairs to engines, repairs to building, divisional gas bills, for the lighting of halls, closets, etc.

By MR. CULLEN:

About how much was the taxes? A. Eight thousand three hundred and eighty-five dollars per annum.

[Witness continues.] For general interest and commissions, it comprises four items made up as follows:

To Mr. Brevoort, to money overpaid the Receiver in the satisfaction of a mortgage

\$15 00

Premium paid on purchase of U. S. bonds..

1,750 00

do do do do do ..

2,975 00

To commissions on same.....

337 50

Making a total of.....

5,077 50

Orders of court, which embraces the amounts ordered by the court to be paid — paid on order of court

49,170 88

Salaries

16,081 65

Fire Insurance.....

1,561 44

Wingate & Cullen.....

274 45

Expenses of office, petty cash, paper, pens, ink, such matters as that.....

854 72

By MR. CULLEN:

Q. Any printing. A. That may be in.

Q. That makes? A.

\$93,319 86

Q. What investments did you make during that year, and by what authority? A. We invested in United States bonds, by order of court, \$270,000.

By the REFEREE :

Q. Give the date of that investment as near as you can, Mr. Tobias? A. December 22d, \$100,000; December 24th, \$170,000.

By the COUNSEL :

Q. Where do you keep your cash deposited A. We keep our cash deposited in the United States Trust company, by order of court, and in the Third and Fourth National banks.

Q. What do you receive for the use of the money? A. We receive two per cent. in the United States Trust Company, which is only paid out by order of Court.

By the REFEREE :

Q. You never received more than two per cent. up to the time of this investment? A. No, sir.

By the COUNSEL :

Q. What amounts did you keep in the Third and Fourth National banks? A. Always within ten thousand dollars; never exceeding that amount.

Q. By order of the court you are directed to deposit all exceeding ten thousand dollars in the United States Trust Company? A. Yes, sir. About this time the savings banks and trust companies were rapidly failing or going into insolvency, among which was the National Trust Company, in which Mr. O'Neill and I had a balance of our own, and as we thought that all were going to fail we thought we would put our cash into bonds, and make application to the court to give us permission so to invest in registered bonds.

Q. Have you received any advance on bonds; those that have been sold? A. Yes; a large advance.

Q. A larger amount for interest than if deposited with the Trust Company? A. Yes, sir; not only four per cent. upon our deposit of bonds, but made in advance of the bonds at least three per cent. The order of the court provided that the bonds should be deposited with the United States Trust Company and registered in the name of the Receiver, so that they were perfectly protected in the fund in regard to that.

Q. What arrangement have you now with the Trust Company for the use of money deposited with them? A. I now receive three per cent. on our deposits since December 19, 1879. I asked that they would increase the rate of interest, as we expected to have large amounts always on hand there, as we were paying a dividend. They raised it from two to three per cent.

Q. Is that as large an interest as you can receive for the use of money, and have it safely deposited? A. I think it is.

Q. Was two per cent., during the time you received it as large an

interest as you could get at that time, in your judgment, and at the same time have the money safe? A. I think it was, sir.

Q. Now then, sir, what moneys were paid out by you from July, 1878, to July, 1879? A. United States bonds..... \$170,150 00
Miscellaneous rents and expenses, which I have explained..... 1,121 16
For expenses of running the Continental building, including taxes, which amount to \$8,335. I think it was the same..... 15,076 30
Expenses of office..... 649 05
Fire insurance..... 939 03
Salaries..... 14,050 00
Orders of court 67,078 03

Making a total of..... \$269,063 57

Q. What moneys did you pay out from July, 1879, up to and including December 31, 1879? A. For dividend account, which is the payment of 15 per cent. ordered by the Court..... \$126,519 90

Q. By what authority is that paid out? A. By order of the court made October, 1879.

Q. What dividend were you by that order directed to pay? A. Dividend of fifteen per cent.

[Witness continues.]

For expenses of the Continental building..... 10,301 41
Expenses to company's property that is in taking care of it, etc..... 797 01
Expenses for office..... 229 75
Orders of court 8,482 64
Salaries 4,715 00
Fire Insurance 321 05
Real estate. This real estate expense is made up of three items. A man by the name of Lyons, who agreed to bid a certain amount on a property, if I would put it up at public sale; and to hold him to his agreement, wished he would give me a guarantee of good faith. He deposited with me two hundred and fifty dollars. The property was sold at public auction, and somebody bid over the amount he stipulated to bid on it. Therefore I had to pay him his two hundred and fifty dollars. Taxes on the Rogers House in Plainfield and taxes on the Pennington House. Taxes on the Rogers House \$127.71. Taxes on the Pennington House \$78.78.... 456 49

Making a total of..... \$151,823 25

Q. Making a total amount paid out to December 31, 1869, how much? A. \$784,206.68.

Q. How much cash had you on hand at the close of business on December 31, 1878? A. \$92,580.30.

| | |
|---|-------------|
| Q. Where invested ? A. In the United States Trust Company | \$83,921 33 |
| In the Third National bank | 2,353 61 |
| In the Fourth National bank | 5,384 64 |
| And on hand in vaults | 920 72 |

| | |
|-------------------------|--------------------|
| Making a total of | <u>\$92,580 30</u> |
|-------------------------|--------------------|

Q. The amount of cash on hand, together with the amounts paid out was how much? A. \$876,786.98.

Q. What amount have you now on hand invested in United States Government bonds? A. I have now on deposit in the United States Trust Company in United States bonds, \$339,000.

Q. Have you a certificate of deposit of the United States Trust Company representing that amount of \$339,000? A. I have, sir.

[Certificate produced, offered in evidence, and marked Exhibit No. 3, January 8, 1880. A. C. Stowell.]

Q. Have you with you the bank book of the United States Trust Company showing the amount on deposit in that bank on the 31st day of December, 1879? A. I have.

[Bank book produced, offered in evidence and marked Exhibit No. 4, January 8, 1880. A. C. Stowell.]

Q. Have you your bank book of the Third National bank? A. Yes, sir.

[Bank book produced, offered in evidence and marked Exhibit No. 5, January 8, 1880. A. C. Stowell.]

Q. Have you with you the bank book of the Fourth National bank, showing the amount on deposit in that bank on the 31st day of December 1879, at the close of that day? A. Yes, sir.

[Bank book produced, offered in evidence and marked Exhibit No. 6, January 8, 1880. A. C. Stowell.]

Q. Have you with you your dividend account book kept with the Fourth National bank of the city of New York, showing the balance due you on that account, at the close of the banking hours December 31, 1879? A. I have, sir.

[Bank book produced, offered in evidence and marked Exhibit No. 7, January 8, 1880. A. C. Stowell.]

Q. On and prior to the 31st day of December 1879, had you drawn from the Trust Company \$126,519.90 for the purpose of paying dividends? A. Yes, sir.

Q. And had it been placed to the credit (at various times) of the receiver in the dividend account book? A. Yes, sir.

Q. Was there a balance to the credit of the receiver on the 31st day of December, 1879, in your dividend account book, with the Fourth National Bank of \$12,004.98, on account of the dividend account? A. Yes, sir.

Q. Making the amount actually paid out for dividends and expenses of dividend account \$114,514.92? A. Yes, sir; \$114,514.92.

Q. What proportions of that \$12,004.98 is represented by checks outstanding on December 31, 1879? A. Four thousand eight hundred and thirteen dollars and twenty-four cents.

It is admitted by all of the counsel that there is \$10,000 water bonds of the city of Yonkers on deposit with the receiver; and that there was actually in money in the safe of the receiver on that date (December 31, 1879, at the close of business,) the sum of \$920.72. That the several counsel have personal knowledge of the same, Messrs. Parker and Cullen having counted the bonds, and R. J. Moses, Jr., the cash on hand with the receiver.

Adjourned to January 15, 2 P. M.

THURSDAY, *January 15th*, 1880.

Parties meet and proceed.

Same appearances as at last meeting with the addition of Mr. Work, of Davies, Work, McNamee and Hilton, who appears for various policy holders.

Mr. *Tobias*' examination continued by Mr. PARKER.

Q. Mr. Tobias, on your last examination you stated the amount of the cash receipts of the receiver, in three periods? A. Yes, sir.

Q. You will now please state the total amount of those receipts under their proper heads? A. From W. R. Grace, late

| | |
|-----------------------------|--------------|
| receiver | \$269,283 21 |
| Miscellaneous rents | 1,499 25 |
| Continental building | 61,319 31 |
| Miscellaneous profits | 3,617 20 |
| Bonds and mortgages | 300,710 49 |
| General interest | 78,040 48 |
| Fire insurance | 973 04 |
| Temporary loans | 25,399 03 |
| Real estate | 33,062 33 |
| Agents' accounts | 1,389 76 |
| Order of court | 12 88 |

Making a total of \$775,306 98

Q. Now state the gross amount of expenditures covering those periods? A. Cash on hand.....

| | |
|--|-------------|
| ..... | \$92,580 30 |
| Miscellaneous expenses (companies' property) | 7,874 71 |
| Continental building | 39,721 39 |
| Salaries | 34,846 65 |
| Expenses | 2,007 97 |
| Premiums and commissions on U. S. bonds | 5,077 50 |
| Fire insurance | 2,820 52 |
| Dividend account | 126,519 90 |
| Real estate | 456 49 |
| United States bonds on hand | 338,679 00 |
| Orders of court | 124,731 55 |

Making a total of \$775,306 98

Q. Under the head of expenses is charged \$92,580.30; that amount I understand you had on hand in cash? A. Yes, sir; on that date.

Q. And at that date no part of it had been expended? A. None, sir; not any.

Q. Also under the head of expenses you have \$338,679.00 in Government bonds? A. Yes, sir.

Q. Those bonds were on hand at that date? A. Yes, of which I have a certificate.

Q. They were purchases made by the receiver? A. They were, sir, for the benefit of the trust.

Q. So, that, under the head of expenditure, there was really on hand on the 31st day of December 1879, \$431,259.30, was there not? A. Yes sir, those two added together, the cash on hand and the United States bonds.

Q. July 25th you credit yourself with a payment to S. Kauffman, attorney, of \$13,523.43, on order of court number one? A. Yes, that explains itself in the order, that was for a judgment, sir, obtained before the insolvency of the company, which was a lien on real estate carrying interest at seven per cent.

[Order, receipt and satisfaction piece offered in evidence, and order marked Exhibit I, January 15, 1880.]

I figured the interest at the time I paid and the amount stated in the receipt is the amount ordered to be paid with interest, as mentioned in the order.

[Memorandum of computation and payment appears on page eight of memorandum book.]

Q. July 30, you credit yourself with a payment of \$912.61 on salary account under order number two, have you the order? A. Yes, sir.

Q. What was that for? A. For clerical hire under William R. Grace, receiver, up to July 10, 1877.

[Order and receipt offered in evidence and marked Exhibit No. 2, January 15, 1880.]

Q. On August 7, you credit yourself with a payment of \$500 to Morgan A. Dayton, referee, under order number 3, have you that order? A. I have sir.

Q. And also \$125 to Fairbanks as stenographer? A. Yes, sir, I have paid these amounts to these parties, (witness says he will furnish the receipts at next meeting).

[Order offered in evidence and marked Exhibit No. 3, January 15, 1880.]

Q. On August 22, 1877, you have credited yourself with the following payments to the following persons, to wit:

| | |
|-----------------------|------------|
| Wingate & Cullen..... | \$2,500 00 |
| Ashbel Green..... | 1,500 00 |
| James Matthews. | 500 00 |
| William Sims... .. | 34 15 |
| James Dudley | 358 09 |
| Spectator | 132 00 |

Q. Have you paid those amounts? A. I have sir.

Q. On what order? A. On the order of court number four, which I now produce.

[Order and receipts offered in evidence and order marked Exhibit No. 4, January 15, 1880.]

Q. Under the same date you credit yourself with the payment to R. J. Moses, Jr., attorney, of \$2,815.07 under order number five; is that money paid? A. Yes, sir.

Q. Have you the order and receipt? A. I have sir, and now produce them.

[Order and receipt offered in evidence and order marked Exhibit No. 5, January 15, 1880.]

Q. Under the date of August 30, 1877, you credit yourself with the payment to R. J. Moses, Jr., attorney, of \$430 under order number six; have you paid that amount? A. Yes sir, to Mr. Moses as attorney for L. R. Roeder.

Q. Have you the order and receipt here? A. I have sir, and produce them.

[Order offered in evidence and marked Exhibit No. 6, January 15, 1880.]

Q. Under date of October 10, 1877, you credit yourself with the payment to R. J. Moses, Jr., of \$948.79 under order number 7; have you paid that money? A. I have, sir. I paid it to Mr. Moses as attorney for Charles P. Hartwell.

Q. Will you produce the order and receipt? A. I will, sir.

[Order offered in evidence and marked Exhibit No. 7, January 15, 1880.]

Q. Under date of October 11, you credit yourself with the payment to sundry persons of \$1,170.55, under order of court number eight; have you paid that money? A. I have, sir.

Q. To whom? A. To parties named in the order, to-wit:

| | |
|-------------------------------|----------|
| Willis H. Warner..... | \$107 34 |
| D. Sims..... | 102 12 |
| Otis Brothers..... | 76 73 |
| Jeremiah Skidmore & Sons..... | 32 00 |
| Edmons & Benton..... | 49 37 |
| James Sparks..... | 12 00 |
| King & Purcell..... | 38 50 |
| Frederick Cregier..... | 72 50 |
| J. B. & J. M. Cornell..... | 32 90 |
| F. Greaves..... | 42 93 |
| James Stuart..... | 134 68 |
| Jessey Carley..... | 124 68 |
| James T. Dudley..... | 375 00 |

Making a total of..... \$1,170 55

I produce the receipts.

[Order and receipts offered in evidence and order marked Exhibit No. 8, January 15, 1880.]

Q. On October 16, you credit yourself with the payment to S. Kauffman, attorney, the sum of \$5,413.50, under order number nine; have you paid that money? A. I have paid that sum; that order was for Kauffman as attorney for Regina Hirsch, and was a judgment and lien upon real estate of the trust. The principal amount was \$5,176.94, and interest to date was \$236.56, making the total of \$5,413.50. I produce the order and receipt.

[Order and receipt offered in evidence and order marked Exhibit 9, January 15, 1880.]

Q. Under the date of November 9, 1877, you credit yourself with the payment of \$1,000.00 to Redfield & Hill, under order number ten; did you pay that one thousand dollars? A. I did.

Q. Have you that receipt? A. I have, sir, and produce the order and receipt.

[Order and receipt offered in evidence and order marked Exhibit No. 10, January 15, 1880.]

Q. Under date of November 9, 1877, you credit yourself with the payment to sundry persons of \$917.59; have you paid that out?

A. Yes, sir, I have paid that pursuant to the order, to the following persons:

| | |
|------------------------|---------|
| Close & Robertson..... | \$58 76 |
| Ellis & Sweeney..... | 67 50 |
| W. Britton..... | 240 00 |
| E. W. Davenport..... | 55 00 |
| Elijah P. Ferris..... | 59 86 |
| John H. Platt..... | 55 86 |
| Condert Brothers | 219 88 |
| Calvin Frost..... | 58 00 |
| Wingate & Cullen..... | 102 73 |

[Order and receipts offered in evidence and order marked Exhibit No. 11, January 15, 1880.]

Q. Under the same date you also credit yourself with the payment to sundry persons of \$349.27 under order number twelve; have you paid those sums, and to whom? A. I have, sir, as follows:

| | |
|--|---------|
| Charles P. Young..... | \$38 77 |
| Cady & Oaks | 26 00 |
| The Globe stationery and printing company..... | 2 15 |
| Walter S. Cowles..... | 30 30 |
| T. R. Sprague..... | 42 05 |
| Albany Evening Journal..... | 210 00 |

Q. The explanation you give of the check being for two hundred and ten dollars and your receipt being for only two hundred and six dollars and forty-five cents is what? A. Is that I had drawn the check for the amount named in the order, and when the bill was presented the bill was made out for two hundred and six dollars and forty-five cents; the balance was returned, and I charged myself with that balance, as on page No. 30 of cash book, November 30, 1877.

[Order and receipts offered in evidence, and order marked Exhibit No. 12, January 15, 1880.]

Q. Under date of November 19, you credit yourself with the payment to A. R. Ranney of \$1,324.30, under order No. 13; did you pay that amount? A. I did, sir.

Q. Have you the voucher? A. I have, sir; and produce order and receipt.

[Order and receipt offered in evidence, and order marked Exhibit No. 12, January 15, 1880.]

Q. Under date of December 26, you credit yourself with the payment to Cady & Oaks of \$12.00, under voucher No. 81? A. On examination of the bill, after making of the order, I found it required explanation, and we succeeded in getting him to reduce the bill to twelve dollars and charged the balance against the receiver.

Q. Under date of February 1, 1878, you credit yourself with the payment to Alexander & Green of \$1,091.13, under order No. 14; did you pay to Alexander & Greene that amount? A. I did, sir; and produce the order.

[Order offered in evidence, and marked Exhibit No. 14, January 15, 1880.]

Q. Under the same date, you credit yourself with the payment to J. P. O'Neill, receiver, in two amounts, one in the sum of \$3,500, the other amount in the sum of \$1,300, all under order No. 15; were those amounts paid? A. They were, sir; and the receipts are there.

[Order and receipts offered in evidence, and order marked Exhibit No. 15, January 15, 1880.]

Order No. 15 directs and orders "that J. P. O'Neill, as such receiver, be and he hereby is authorized and directed to draw from the funds in his possession as receiver of the defendant herein, the sum of six hundred dollars in each and every month, commencing the 10th day of May, 1877, on account of his fees as such receiver."

Q. Under date of February 11 and March 11 you credit yourself with the payment to J. P. O'Neill, receiver, of the sum of six hundred dollars on each date? A. Yes, sir; I paid that under order No. 15.

[Receipts of February 11 and March 11 produced.]

Q. Under the date of April 8, 1878, you credit yourself with the payment to John H. Mooney of \$2,000.00 under order No. 16; is that amount paid to Mr. Mooney? A. It was, sir; and I produce the order.

[Order offered in evidence, and marked Exhibit No. 16, January 15, 1880.]

Q. Under date of April 10, 1878, you credit yourself with the further payment to J. P. O'Neill, under order No. 15, of six hundred dollars; is that order paid? A. Yes, sir.

Q. Under the date of April 23, 1878, you credit yourself with the payment to Pinkerton of \$320.00, under order No. 17; under the same order you also credit yourself with the payment to Redfield & Hill of \$150.00; and under the same order you also credit yourself with the payment of \$100.00 to Frederick Smythe; were those amounts paid? A. They were, sir; and I produce order and receipts.

[Order and receipts offered in evidence, and order marked Exhibit 17, Jan. 15, 1880.]

Q. Under date of May 1st, 1878, you credit yourself with the payment to Levi A. Fulton of the sum of \$200, under order number eighteen; is that amount paid. A. Yes, sir, and I produce order and receipt.

[Order and receipt offered in evidence, and order marked Exhibit No. 18, January 15, 1880.]

Q. Under the same date you credit yourself with the payment to Wells, Sackett & Brothers of \$5.80, under order number nineteen; is that amount paid? A. Yes, sir.

[Order offered in evidence and marked Exhibit No. 19, January 15, 1880.]

Q. Under date of May 10, you credit yourself with the payment to J. P. O'Neil, Receiver, of the sum of six hundred dollars, under order number fifteen? A. Yes, sir, and I produce the receipt.

Q. Under date of May 29, 1878, you credit yourself with the payment to Peckham and Tremain of the sum of \$325.93, under order number twenty; did you pay that amount? A. Yes, sir, I paid that amount.

[Order offered in evidence and marked Exhibit No. 20, January 15, 1880.]

Q. Under the date of June 10, 1878, you credit yourself with the payment to J. P. O'Neil, Receiver, of the sum of six hundred dollars, under order number fifteen; was the amount paid on that date? It was, sir.

[Receipt produced.]

Q. Under the date of June 11, you credit yourself with the payment to Mattocks and Mason of \$183.25, under order number twenty-one; did you pay that amount on that date? A. I did, sir, and produce the order and receipt.

[Order and receipt offered in evidence, and order marked Exhibit No. 21, January 15, 1880.]

Q. Under the date of July 1st, 1878, you credit yourself with the payment to Atterbury and Betts of \$1,162.68, under order number twenty-two; was that amount paid? A. Yes, sir.

[Order offered in evidence and marked Exhibit No. 22, January 15, 1880.]

Q. Under date of July 10, 1878, you credit yourself with the payment to J. P. O'Neill, Receiver, under order number fifteen, in the sum of six hundred dollars; did you pay that sum on that date? A. Yes, sir, the sum was paid.

Q. Under the same date did you pay S. A. & B. J. Royer, attorneys, the sum of \$830, under order number twenty-three? A. I did, sir, and produce the order and receipt.

[Order and receipt offered in evidence and order marked Exhibit No. 23, January 15, 1880.]

Q. Under the date of July 22, you credit yourself with the payment of \$31.20, to Bernard Smith, auctioneer, under order number twenty-four; did you pay that amount? A. I did, sir, and produce the order and receipt.

[Order and receipt offered in evidence, and order marked Exhibit No. 24, January 15, 1880.]

Q. Under date of July 25, 1878, you credit yourself with the payment to James Carlisle, stenographer, of \$120.50, under order number twenty-five; did you pay that amount? A. I did, sir.

[Order and receipt offered in evidence, and order marked Exhibit No. 25, January 15, 1880.]

Q. Under date of August 7, you credit yourself with the payment to T. B. Westbrook, Referee, of \$500, under order number twenty-six; also to John J. Linson, attorney, the sum of \$500; also to J. P. O'Neill, Receiver, the sum of \$600, all under the same order; did you pay those amounts on that date? A. I did, sir.

[Order offered in evidence and marked Exhibit No. 26, January 15, 1880.]

Q. Under date of August 13 did you pay to Theodore Bacon, attorney, the sum of one hundred dollars under order number twenty-seven? A. I did, sir, and produce order and receipt.

[Order and receipt offered in evidence, and order marked Exhibit No. 27, January 15, 1880.]

Q. Under date of August 29 you credit yourself with the payment to J. P. O'Neill, receiver, of the sum of \$4,500, under order number twenty-six; was that amount paid on that date? Yes, sir.

Q. Under date of September 6, 1878, did you pay to Miller and Church, attorneys, \$28.10, under order number twenty-eight? A. I did, sir; and produce order and receipt.

[Order and receipt offered in evidence, and order marked, Exhibit No. 28, January 15, 1880.]

Q. On September 18, 1878, did you pay to R. J. Moses, Jr., attorney for Stephen P. English, in the sum of \$1,782.17, under order twenty-nine? A. I did, sir.

[Order offered in evidence and marked, Exhibit No. 29, January 15, 1880.]

Q. On September 19, 1878, did you pay to Sanford Potter, Referee, the sum of \$7,346.15, under order number thirty? A. Yes, sir, and produce order and receipt.

[Order and receipt offered in evidence, and order marked Exhibit No. 30, January 15, 1880.]

This was for the purpose of taking title to a large amount of property in Saratoga; I produce the receipts for taxes, etc.

Q. On October 3, 1878, did you pay to J. P. O'Neill, receiver, \$3,000, under order number twenty-six? A. I did, sir, and produce the receipt.

Q. On October 7, 1878, did you pay Charles L. Pond, Referee, \$680.15, under order number thirty-one? A. Yes, sir, and produce the order, receipt and sub-vouchers.

[Order and receipts offered in evidence, and order marked Exhibit No. 31, January 15, 1880.]

Q. On October 7, did you pay to J. P. O'Neill, receiver, \$3,000, under order number twenty-six? A. Yes, sir.

Q. On November 6, did you pay to J. P. O'Neill, receiver, \$1,028.66, under order number twenty-six? A. I did.

Q. And on November 11, \$2,400, under the same order? A. Yes, sir.

Q. Did you pay to J. P. O'Neill, receiver, on November 10, \$600, under order number fifteen? A. Yes, sir.

Q. Did you also pay him on December 10, \$600, under order number fifteen? A. Yes, sir.

Q. On February 10, 1879, did you pay the receiver \$600 under order number fifteen? A. Yes, sir.

Q. On March 8, 1878, did you pay to J. Mc. Crane, \$750, under order number thirty-two? A. Yes, sir, and I produce the order and receipt.

[Order and receipt offered in evidence, and order marked Exhibit No. 32, January 15, 1880.]

Q. Did you on March 10, 1879, pay to J. P. O'Neill, receiver, \$600, under order number fifteen? A. I did, sir.

Q. On March 12, 1879, you credit yourself with the payment to Matthew Hale, attorney, in the sum of \$350, under order number thirty-three; was that amount paid? A. Yes, sir.

[Order offered in evidence and marked Exhibit No. 33, January 15, 1880.]

Q. On March 14, 1879, did you pay to J. P. O'Neill, receiver, for the purpose of taking title to Ryan property, the sum of \$580, under order number thirty-four? A. Yes, sir; I produce the order and the sub-vouchers showing the payment of this money by Mr. O'Neill, to take the title, taxes and other expenses.

[Order offered in evidence and marked Exhibit No. 34, January 15, 1880.]

Q. On April 10, 1879, did you also pay to J. P. O'Neill, receiver, six hundred dollars, under order number fifteen? A. Yes, sir.

Q. And on May 10, did you also pay him the same amount under the same order? A. Yes, sir.

Q. On May 14, did you pay to James P. Carlisle, stenographer, \$343.00 under order number thirty-five? A. Yes, sir, and I produce order and receipt.

[Order and receipt offered in evidence and order marked Exhibit No. 35, January 15, 1880.]

Q. On July 10, 1879, did you pay to J. P. O'Neill, receiver, six hundred dollars, under order number fifteen? A. I did, sir.

Q. Did you pay to Wingate & Cullen on August 7, 1878, \$14,069.71; on September 3, \$1,428.43; on September 25, \$3,794.61; on October 18, \$1,382.05; on November 6, \$1,446.54; on November 7, \$1,766.90; on December 11, \$2,457.80; on December 17, \$8,607.55; on December 26, \$2,280.81; on January 11, 1879, \$1,271.10; on January 15, 1879, \$802.90; in all, \$39,308.10, under order number twenty-six? A. I did, sir.

Q. Did you afterward receive from Messrs. Wingate & Cullen ten thousand of that amount back? A. I did, sir.

Q. Which you placed to the credit of the receiver? A. Yes, sir.

Q. Leaving the actual amount paid to Messrs. Wingate & Cullen, \$29,308.10? A. Yes, sir.

Q. On July 11, 1879, did you pay to J. P. O'Neill, receiver, six hundred dollars under order number fifteen? A. Yes, sir.

Q. And on August 11, did you also pay him six hundred dollars under the same order? A. Yes, sir.

Q. Did you on August 14, 1879, pay to Morgan A. Dayton, the sum of \$4,000.00 under order number thirty-six? A. Yes, sir, and I produce order and receipt.

[Order and receipt offered in evidence and order marked Exhibit No. 36, January 15, 1880.]

Q. Did you on each of the dates of September 10 and October 10, pay to J. P. O'Neill, receiver, the sum of six hundred dollars, under order number fifteen? A. Yes, sir.

Q. Under the date of November 1, 1879, you credit yourself with the payment to Robinson & Scribner of \$882.64 under order number thirty-eight? A. Yes, sir.

Q. Will you produce the order number thirty-seven, directing you to pay dividends? A. Yes, sir.

[Order to pay dividends offered in evidence and marked Exhibit No. 37, January 15, 1880.]

[Order offered in evidence and marked Exhibit No. 38, January 15, 1880.]

Q. Did you on November 10, 1879, pay to J. P. O'Neill, receiver, the sum of six hundred dollars, under order number fifteen? A. Yes, sir.

Q. And also the same amount under the same order, on December 10, 1879? A. Yes, sir.

Adjourned to January 16, 1880, at 11:30 A. M.

JANUARY 16, 1880.

Parties meet and proceed.

Mr. J. O. Tobias' examination continued by Mr. PARKER.

Q. You credit yourself with the payment up to and including December 31, 1879 of \$126,519.90 of what is known as the dividend account, under order number thirty-seven, have you the vouchers here for those payments? A. I have, sir.

Q. Produce them? A. They are in the form of checks, which I now produce as follows:

| | | |
|--------------------|---------------------|---------------------|
| No. 1.....\$174 10 | No. 22..... \$18 45 | No. 44..... \$37 76 |
| 2..... 64 25 | 23..... 64 87 | 45..... 98 29 |
| 3..... 97 69 | 24..... 65 55 | 46..... 59 51 |
| 4..... 100 00 | 25..... 32 35 | 47... .. 39 60 |
| 5..... 72 26 | 26..... 250 84 | 48..... 107 09 |
| 6..... 92 31 | 27..... 87 15 | 49..... 533 35 |
| 7..... 157 14 | 29..... 121 65 | 50..... 559 14 |
| 8..... 69 59 | 30..... 144 89 | 51..... 106 88 |
| 9..... 251 30 | 31..... 334 86 | 52..... 222 17 |
| 10..... 31 52 | 32..... 265 91 | 53..... 145 20 |
| 11..... 254 06 | 33..... 50 97 | 54..... 18 58 |
| 12..... 125 32 | 34..... 21 51 | 55..... 86 75 |
| 13..... 125 33 | 35..... 79 97 | 56..... 14 98 |
| 14... .. 13 20 | 36..... 73 64 | 57..... 47 20 |
| 15..... 15 30 | 37..... 117 79 | 58..... 28 82 |
| 16..... 119 19 | 38..... 13 58 | 59..... 51 87 |
| 17..... 79 63 | 39..... 16 35 | 60..... 858 45 |
| 18..... 32 66 | 40..... 44 39 | 61..... 93 49 |
| 19..... 78 60 | 41..... 51 60 | 62..... 24 66 |
| 20..... 74 08 | 42..... 60 95 | 63..... 134 32 |
| 21..... 156 30 | 43..... 60 95 | 64..... 73 94 |

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|-------------|---------|--------------|---------|--------------|---------|
| No. 65..... | \$13 52 | No. 117..... | \$19 57 | No. 169..... | \$25 16 |
| 66..... | 140 86 | 118..... | 3 64 | 170..... | 38 55 |
| 67..... | 117 30 | 119..... | 80 18 | 171..... | 120 42 |
| 68..... | 65 52 | 120..... | 26 03 | 172..... | 4 50 |
| 69..... | 84 38 | 121..... | 27 37 | 173..... | 41 55 |
| 70..... | 20 98 | 122..... | 27 37 | 174..... | 6 32 |
| 71..... | 203 10 | 123..... | 43 28 | 175..... | 10 11 |
| 72..... | 99 09 | 124..... | 71 15 | 176..... | 10 80 |
| 73..... | 68 64 | 125..... | 21 33 | 177..... | 69 60 |
| 74..... | 26 74 | 126..... | 61 06 | 178..... | 3 35 |
| 75..... | 189 17 | 127..... | 41 71 | 179..... | 5 85 |
| 76..... | 152 28 | 128..... | 15 74 | 180..... | 16 20 |
| 77..... | 189 06 | 129..... | 36 85 | 181..... | 7 52 |
| 78..... | 93 85 | 130..... | 59 85 | 182..... | 19 44 |
| 79..... | 65 03 | 131..... | 48 91 | 183..... | 10 65 |
| 80..... | 52 10 | 132..... | 20 22 | 184..... | 45 15 |
| 81..... | 52 52 | 133..... | 52 88 | 185..... | 6 37 |
| 82..... | 82 61 | 134..... | 9 07 | 186..... | 21 10 |
| 83..... | 18 66 | 135..... | 26 71 | 187..... | 7 32 |
| 84..... | 60 00 | 136..... | 61 99 | 188..... | 15 75 |
| 85..... | 51 39 | 137..... | 37 03 | 189..... | 27 11 |
| 86..... | 89 60 | 138..... | 45 45 | 190..... | 9 00 |
| 87..... | 53 41 | 139..... | 94 45 | 191..... | 13 09 |
| 88..... | 299 79 | 140..... | 88 13 | 192..... | 47 40 |
| 89..... | 15 84 | 141..... | 24 82 | 193..... | 4 42 |
| 90..... | 17 46 | 142..... | 56 85 | 194..... | 9 90 |
| 91..... | 91 80 | 143..... | 11 02 | 195..... | 6 00 |
| 92..... | 8 12 | 144..... | 23 07 | 196..... | 76 77 |
| 93..... | 4 22 | 145..... | 111 07 | 197..... | 9 12 |
| 94..... | 125 40 | 146..... | 8 10 | 198..... | 11 50 |
| 95..... | 92 70 | 147..... | 41 67 | 199..... | 37 63 |
| 96..... | 169 81 | 148..... | 23 88 | 200..... | 8 72 |
| 97..... | 15 82 | 149..... | 28 96 | 201..... | 7 07 |
| 98..... | 36 07 | 150..... | 40 00 | 202..... | 6 50 |
| 99..... | 23 57 | 151..... | 11 22 | 203..... | 8 54 |
| 100..... | 285 41 | 152..... | 26 81 | 204..... | 21 67 |
| 101..... | 76 48 | 153..... | 9 64 | 205..... | 10 65 |
| 102..... | 23 55 | 154..... | 65 04 | 206..... | 40 54 |
| 103..... | 576 15 | 155..... | 43 95 | 207..... | 4 05 |
| 104..... | 7 15 | 156..... | 17 97 | 208..... | 21 55 |
| 105..... | 34 35 | 157..... | 8 40 | 209..... | 26 00 |
| 106..... | 41 38 | 158..... | 21 87 | 210..... | 7 50 |
| 107..... | 23 85 | 159..... | 13 40 | 211..... | 8 50 |
| 108..... | 23 03 | 160..... | 7 87 | 212..... | 2 62 |
| 109..... | 31 28 | 161..... | 3 66 | 213..... | 37 07 |
| 110..... | 17 76 | 162..... | 13 16 | 214..... | 6 75 |
| 111..... | 70 16 | 163..... | 20 31 | 215..... | 9 15 |
| 112..... | 96 64 | 164..... | 68 49 | 216..... | 9 15 |
| 113..... | 45 63 | 165..... | 9 60 | 217..... | 71 90 |
| 114..... | 16 83 | 166..... | 84 95 | 218..... | 13 20 |
| 115..... | 17 18 | 167..... | 15 09 | 219..... | 11 40 |
| 116..... | 9 00 | 168..... | 23 23 | 220..... | 9 75 |

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| 221..... | \$21 01 | No. 272..... | \$16 20 | No. 323..... | \$7 09 |
| 222..... | 10 65 | 273..... | 20 19 | 324..... | 127 18 |
| 223..... | 21 30 | 274..... | 60 13 | 325..... | 22 80 |
| 224..... | 7 35 | 275..... | 46 35 | 326..... | 8 06 |
| 225..... | 7 05 | 276..... | 29 70 | 327..... | 9 30 |
| 226..... | 41 98 | 277..... | 62 90 | 328..... | 6 90 |
| 227..... | 1 78 | 278..... | 28 97 | 329..... | 161 87 |
| 228..... | 51 60 | 279..... | 64 26 | 330..... | 7 04 |
| 229..... | 396 22 | 280..... | 30 47 | 331..... | 28 98 |
| 230..... | 31 63 | 281..... | 6 75 | 332..... | 167 28 |
| 231..... | 198 41 | 282..... | 87 81 | 333..... | 65 40 |
| 232..... | 12 71 | 283..... | 78 46 | 334..... | 38 25 |
| 233..... | 24 09 | 284..... | 21 90 | 335..... | 127 20 |
| 234..... | 111 30 | 285..... | 22 50 | 336..... | 134 25 |
| 235..... | 285 78 | 286..... | 117 60 | 337..... | 16 80 |
| 236..... | 42 92 | 287..... | 30 03 | 338..... | 42 65 |
| 237..... | 137 68 | 288..... | 11 16 | 339..... | 22 79 |
| 238..... | 78 87 | 289..... | 32 22 | 340..... | 32 30 |
| 239..... | 32 82 | 290..... | 34 80 | 341..... | 56 92 |
| 240..... | 60 11 | 291..... | 11 55 | 342..... | 16 02 |
| 241..... | 33 38 | 292..... | 10 80 | 343..... | 32 11 |
| 242..... | 36 32 | 293..... | 15 71 | 344..... | 131 93 |
| 243..... | 69 37 | 294..... | 29 36 | 345..... | 30 17 |
| 244..... | 377 36 | 295..... | 14 43 | 346..... | 50 75 |
| 245..... | 42 02 | 296..... | 6 41 | 347..... | 13 70 |
| 246..... | 72 68 | 297..... | 6 69 | 348..... | 92 57 |
| 247..... | 153 18 | 298..... | 2 92 | 349..... | 17 02 |
| 248..... | 43 51 | 299..... | 2 61 | 350..... | 51 38 |
| 249..... | 17 27 | 300..... | 32 40 | 351..... | 15 00 |
| 250..... | 66 81 | 301..... | 85 65 | 352..... | 45 73 |
| 251..... | 58 12 | 302..... | 15 75 | 353..... | 70 53 |
| 252..... | 80 56 | 303..... | 13 05 | 354..... | 8 63 |
| 253..... | 9 70 | 304..... | 11 55 | 355..... | 8 06 |
| 254..... | 23 87 | 305..... | 16 62 | 356..... | 27 00 |
| 255..... | 11 85 | 306..... | 9 45 | 357..... | 13 65 |
| 256..... | 45 75 | 307..... | 16 52 | 358..... | 79 81 |
| 257..... | 2 47 | 308..... | 9 75 | 359..... | 15 45 |
| 258..... | 1 24 | 309..... | 30 20 | 360..... | 60 69 |
| 259..... | 26 65 | 310..... | 9 83 | 361..... | 44 30 |
| 260..... | 35 25 | 311..... | 18 80 | 362..... | 26 14 |
| 261..... | 11 90 | 312..... | 5 85 | 363..... | 26 06 |
| 262..... | 22 95 | 313..... | 30 15 | 364..... | 26 06 |
| 263..... | 43 79 | 314..... | 34 05 | 365..... | 26 06 |
| 264..... | 52 06 | 315..... | 54 66 | 366..... | 26 06 |
| 265..... | 11 92 | 316..... | 7 95 | 367..... | 26 06 |
| 266..... | 17 93 | 317..... | 33 61 | 368..... | 26 06 |
| 267..... | 34 27 | 318..... | 133 87 | 369..... | 26 06 |
| 268..... | 102 55 | 319..... | 105 45 | 370..... | 26 06 |
| 269..... | 16 19 | 320..... | 300 15 | 371..... | 26 06 |
| 270..... | 37 77 | 321..... | 51 30 | 372..... | 26 06 |
| 271..... | 46 75 | 322..... | 15 83 | 373..... | 26 06 |

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| No. 374..... | \$61 50 | No. 426..... | \$16 32 | No. 478..... | \$23 10 |
| 375..... | 34 66 | 427..... | 19 91 | 479..... | 38 28 |
| 376..... | 46 50 | 428..... | 28 51 | 480..... | 44 10 |
| 377..... | 73 14 | 429..... | 47 36 | 481..... | 42 45 |
| 378..... | 27 98 | 430..... | 19 78 | 482..... | 95 72 |
| 379..... | 107 67 | 431..... | 11 22 | 483..... | 64 41 |
| 380..... | 24 75 | 432..... | 56 46 | 484..... | 201 15 |
| 381..... | 18 31 | 433..... | 25 67 | 485..... | 63 84 |
| 382..... | 129 12 | 434..... | 81 32 | 486..... | 134 40 |
| 383..... | 26 07 | 435..... | 72 44 | 487..... | 39 24 |
| 384..... | 36 12 | 436..... | 69 19 | 488..... | 47 16 |
| 385..... | 147 85 | 437..... | 25 80 | 489..... | 5 15 |
| 386..... | 11 16 | 438..... | 101 40 | 490..... | 210 60 |
| 387..... | 30 42 | 439..... | 69 29 | 491..... | 10 19 |
| 388..... | 40 62 | 440..... | 44 80 | 492..... | 78 88 |
| 389..... | 21 60 | 441..... | 6 85 | 493..... | 21 24 |
| 390..... | 29 25 | 442..... | 26 97 | 494..... | 48 47 |
| 391..... | 16 36 | 443..... | 22 27 | 495..... | 64 11 |
| 392..... | 7 05 | 444..... | 36 85 | 496..... | 15 30 |
| 393..... | 19 11 | 445..... | 77 76 | 497..... | 10 44 |
| 394..... | 117 15 | 446..... | 15 56 | 498..... | 28 37 |
| 395..... | 112 50 | 447..... | 16 65 | 499..... | 39 30 |
| 396..... | 17 40 | 448..... | 48 36 | 500..... | 19 27 |
| 397..... | 14 23 | 449..... | 51 41 | 501..... | 7 04 |
| 398..... | 35 70 | 450..... | 27 13 | 502..... | 16 80 |
| 399..... | 61 35 | 451..... | 120 05 | 503..... | 29 11 |
| 400..... | 22 35 | 452..... | 10 47 | 504..... | 1 27 |
| 401..... | 57 46 | 453..... | 39 36 | 505..... | 12 89 |
| 402..... | 8 30 | 454..... | 28 08 | 506..... | 37 65 |
| 403..... | 46 04 | 455..... | 34 70 | 507..... | 29 85 |
| 404..... | 113 25 | 456..... | 17 26 | 508..... | 19 50 |
| 405..... | 36 60 | 457..... | 17 26 | 509..... | 34 45 |
| 406..... | 96 94 | 458..... | 10 37 | 510..... | 7 05 |
| 407..... | 59 75 | 459..... | 74 55 | 511..... | 3 11 |
| 408..... | 15 90 | 460..... | 43 29 | 512..... | 48 57 |
| 409..... | 45 60 | 461..... | 74 40 | 513..... | 8 55 |
| 410..... | 44 40 | 462..... | 41 42 | 514..... | 12 52 |
| 411..... | 32 27 | 463..... | 66 01 | 515..... | 66 69 |
| 412..... | 10 80 | 464..... | 55 47 | 516..... | 42 63 |
| 413..... | 41 07 | 465..... | 8 55 | 517..... | 47 85 |
| 414..... | 18 35 | 466..... | 4 71 | 518..... | 64 |
| 415..... | 32 25 | 467..... | 8 10 | 519..... | 11 85 |
| 416..... | 7 17 | 468..... | 22 44 | 520..... | 25 95 |
| 417..... | 20 65 | 469..... | 49 15 | 521..... | 48 45 |
| 418..... | 155 96 | 470..... | 61 73 | 522..... | 13 50 |
| 419..... | 42 12 | 471..... | 183 58 | 523..... | 14 79 |
| 420..... | 65 70 | 472..... | 23 39 | 524..... | 46 73 |
| 421..... | 65 70 | 473..... | 138 06 | 525..... | 100 32 |
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| 423..... | 56 51 | 475..... | 27 00 | 527..... | 15 30 |
| 424..... | 24 86 | 476..... | 26 57 | 528..... | 38 78 |
| 425..... | 41 23 | 477..... | 87 45 | 529..... | 72 60 |

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| No. 530..... | \$11 75 | 583..... | \$20 61 | No. 636..... | \$5 70 |
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| 532..... | 15 52 | 585..... | 8 10 | 638..... | 11 25 |
| 533..... | 27 66 | 586..... | 6 30 | 639..... | 60 |
| 534..... | 28 54 | 587..... | 103 65 | 640..... | 20 25 |
| 535..... | 16 03 | 588..... | 4 22 | 641..... | 4 95 |
| 536..... | 30 48 | 589..... | 2 92 | 642..... | 18 30 |
| 537..... | 13 95 | 590..... | 7 20 | 643..... | 4 50 |
| 538..... | 53 51 | 591..... | 49 06 | 644..... | 3 75 |
| 539..... | 32 98 | 592..... | 10 30 | 645..... | 10 50 |
| 540..... | 175 86 | 593..... | 14 85 | 646..... | 12 45 |
| 541..... | 8 11 | 594..... | 1 70 | 647..... | 6 45 |
| 542..... | 9 30 | 595..... | 19 80 | 648..... | 11 25 |
| 543..... | 47 11 | 596..... | 4 35 | 649..... | 12 00 |
| 544..... | 3 35 | 597..... | 13 35 | 650..... | 4 44 |
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| 546..... | 11 95 | 599..... | 16 64 | 652..... | 86 89 |
| 547..... | 14 40 | 600..... | 11 85 | 653..... | 220 88 |
| 548..... | 24 89 | 601..... | 8 10 | 654..... | 181 65 |
| 549..... | 6 30 | 602..... | 11 85 | 655..... | 114 84 |
| 550..... | 17 70 | 603..... | 4 50 | 656..... | 256 64 |
| 551..... | 25 99 | 604..... | 76 95 | 657..... | 164 49 |
| 552..... | 2 63 | 605..... | 4 35 | 658..... | 15 15 |
| 553..... | 2 30 | 606..... | 10 50 | 660..... | 45 98 |
| 554..... | 142 20 | 607..... | 10 50 | 661..... | 45 98 |
| 555..... | 5 45 | 608..... | 11 19 | 662..... | 45 98 |
| 556..... | 4 38 | 609..... | 40 16 | 663..... | 157 24 |
| 557..... | 6 75 | 610..... | 3 98 | 664..... | 125 57 |
| 558..... | 196 73 | 611..... | 6 78 | 665..... | 493 39 |
| 559..... | 78 65 | 612..... | 5 25 | 666..... | 43 71 |
| 560..... | 14 49 | 613..... | 4 46 | 667..... | 61 25 |
| 561..... | 11 40 | 614..... | 25 65 | 668..... | 83 82 |
| 562..... | 12 79 | 615..... | 7 65 | 669..... | 104 70 |
| 563..... | 16 05 | 616..... | 7 89 | 670..... | 14 50 |
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| 565..... | 9 33 | 618..... | 7 35 | 672..... | 140 73 |
| 566..... | 3 96 | 619..... | 1 59 | 673..... | 501 01 |
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| 568..... | 26 55 | 621..... | 5 55 | 675..... | 104 11 |
| 569..... | 14 40 | 622..... | 4 95 | 676..... | 223 96 |
| 570..... | 6 87 | 623..... | 5 82 | 678..... | 122 58 |
| 571..... | 8 08 | 624..... | 8 55 | 679..... | 54 12 |
| 572..... | 27 | 625..... | 1 82 | 680..... | 218 01 |
| 573..... | 19 98 | 626..... | 1 68 | 681..... | 22 05 |
| 574..... | 18 72 | 627..... | 1 52 | 682..... | 113 94 |
| 575..... | 4 17 | 628..... | 36 12 | 683..... | 110 05 |
| 576..... | 91 90 | 629..... | 22 35 | 684..... | 105 47 |
| 577..... | 36 58 | 630..... | 4 64 | 685..... | 49 55 |
| 578..... | 3 98 | 631..... | 16 47 | 686..... | 98 25 |
| 579..... | 4 79 | 632..... | 6 58 | 687..... | 119 67 |
| 580..... | 28 95 | 633..... | 15 12 | 688..... | 54 60 |
| 581..... | 19 02 | 634..... | 8 85 | 689..... | 30 45 |
| 582..... | 16 84 | 635..... | 4 35 | 690..... | 139 38 |

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| No. 691..... | \$57 06 | No. 743..... | \$12 33 | No. 795..... | \$132 23 |
| 692..... | 132 15 | 744..... | 28 33 | 796..... | 21 91 |
| 693..... | 25 81 | 745..... | 7 46 | 797..... | 549 87 |
| 694..... | 106 65 | 746..... | 225 33 | 798..... | 158 10 |
| 695..... | 1,350 18 | 747..... | 16 35 | 799..... | 750 00 |
| 696..... | 24 29 | 748..... | 15 60 | 800..... | 265 50 |
| 697..... | 27 00 | 749..... | 14 25 | 801..... | 10 47 |
| 698..... | 57 48 | 750..... | 15 15 | 802..... | 111 19 |
| 699..... | 68 63 | 751..... | 24 75 | 803..... | 49 65 |
| 700..... | 48 99 | 752..... | 20 40 | 804..... | 12 33 |
| 701..... | 64 99 | 753..... | 5 89 | 805..... | 760 20 |
| 702..... | 16 19 | 754..... | 20 79 | 806..... | 157 24 |
| 703..... | 47 25 | 755..... | 10 61 | 807..... | 59 88 |
| 704..... | 40 40 | 756..... | 25 59 | 808..... | 151 14 |
| 705..... | 25 90 | 757..... | 64 53 | 809..... | 27 42 |
| 706..... | 33 75 | 758..... | 32 71 | 810..... | 87 49 |
| 707..... | 6 53 | 759..... | 125 57 | 811..... | 226 21 |
| 708..... | 7 61 | 760..... | 38 93 | 812..... | 55 95 |
| 709..... | 179 54 | 761..... | 525 00 | 813..... | 27 12 |
| 710..... | 10 04 | 762..... | 6 07 | 814..... | 143 25 |
| 711..... | 168 68 | 763..... | 102 82 | 815..... | 82 35 |
| 712..... | 14 25 | 764..... | 340 74 | 816..... | 316 20 |
| 713..... | 26 32 | 765..... | 60 46 | 817..... | 83 55 |
| 714..... | 20 12 | 766..... | 17 85 | 818..... | 25 20 |
| 715..... | 209 02 | 767..... | 75 56 | 819..... | 47 25 |
| 716..... | 67 20 | 768..... | 80 31 | 820..... | 47 25 |
| 717..... | 31 13 | 769..... | 294 75 | 821..... | 95 25 |
| 718..... | 18 42 | 770..... | 195 45 | 822..... | 18 09 |
| 719..... | 22 05 | 771..... | 111 95 | 823..... | 79 32 |
| 720..... | 92 76 | 772..... | 37 48 | 824..... | 33 45 |
| 721..... | 20 62 | 773..... | 233 25 | 825..... | 32 85 |
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| 723..... | 61 38 | 775..... | 118 25 | 827..... | 43 79 |
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| 725..... | 69 15 | 777..... | 337 20 | 829..... | 45 90 |
| 726..... | 29 55 | 778..... | 43 91 | 830..... | 49 65 |
| 727..... | 141 45 | 779..... | 175 95 | 831..... | 77 89 |
| 728..... | 24 76 | 780..... | 211 32 | 832..... | 37 63 |
| 729..... | 50 73 | 781..... | 100 50 | 833..... | 407 11 |
| 730..... | 5 92 | 782..... | 125 79 | 834..... | 24 52 |
| 731..... | 13 50 | 783..... | 21 45 | 835..... | 579 67 |
| 732..... | 198 60 | 784..... | 98 62 | 836..... | 154 17 |
| 733..... | 84 17 | 785..... | 89 65 | 837..... | 126 03 |
| 734..... | 43 70 | 786..... | 241 29 | 838..... | 187 94 |
| 735..... | 39 45 | 787..... | 441 45 | 839..... | 114 15 |
| 736..... | 8 25 | 788..... | 99 24 | 840..... | 99 70 |
| 737..... | 66 91 | 789..... | 80 10 | 841..... | 769 50 |
| 738..... | 99 00 | 790..... | 174 44 | 842..... | 35 23 |
| 739..... | 34 74 | 791..... | 101 10 | 843..... | 167 70 |
| 740..... | 90 15 | 792..... | 41 39 | 844..... | 18 54 |
| 741..... | 257 10 | 793..... | 126 03 | 845..... | 11 25 |
| 742..... | 27 03 | 794..... | 65 85 | 846..... | 65 08 |

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|--------------|---------|--------------|---------|--------------|--------|
| No. 847..... | \$49 74 | No. 899..... | \$55 95 | No. 951..... | \$4 95 |
| 848..... | 183 90 | 900..... | 12 15 | 952..... | 3 60 |
| 849..... | 25 53 | 901..... | 13 35 | 953..... | 3 90 |
| 850..... | 54 46 | 902..... | 4 05 | 954..... | 42 75 |
| 851..... | 13 73 | 903..... | 12 39 | 955..... | 33 75 |
| 852..... | 16 79 | 904..... | 20 55 | 956..... | 64 35 |
| 853..... | 64 85 | 905..... | 5 95 | 957..... | 6 90 |
| 854..... | 36 15 | 906..... | 6 15 | 958..... | 3 60 |
| 855..... | 23 25 | 907..... | 12 15 | 959..... | 27 00 |
| 856..... | 44 58 | 908..... | 5 40 | 960..... | 50 25 |
| 857..... | 61 12 | 909..... | 16 05 | 961..... | 6 60 |
| 858..... | 17 56 | 910..... | 14 40 | 962..... | 10 39 |
| 859..... | 25 23 | 911..... | 20 10 | 963..... | 11 40 |
| 860..... | 200 58 | 912..... | 12 75 | 964..... | 5 40 |
| 861..... | 28 25 | 913..... | 5 10 | 965..... | 5 55 |
| 862..... | 35 74 | 914..... | 7 20 | 969..... | 4 21 |
| 863..... | 185 37 | 915..... | 4 65 | 967..... | 10 05 |
| 864..... | 101 55 | 916..... | 19 95 | 968..... | 4 20 |
| 865..... | 35 02 | 917..... | 371 40 | 969..... | 10 05 |
| 866..... | 33 48 | 918..... | 6 60 | 970..... | 9 00 |
| 867..... | 16 80 | 919..... | 4 50 | 971..... | 4 95 |
| 868..... | 16 80 | 920..... | 21 03 | 972..... | 6 15 |
| 869..... | 81 60 | 921..... | 27 90 | 973..... | 5 40 |
| 870..... | 520 65 | 922..... | 4 80 | 974..... | 36 00 |
| 871..... | 56 62 | 923..... | 23 85 | 975..... | 7 50 |
| 872..... | 18 07 | 924..... | 7 14 | 976..... | 3 15 |
| 873..... | 491 33 | 925..... | 18 75 | 977..... | 51 00 |
| 874..... | 198 04 | 926..... | 9 37 | 978..... | 21 00 |
| 875..... | 71 15 | 927..... | 4 50 | 979..... | 3 15 |
| 876..... | 22 26 | 928..... | 14 40 | 980..... | 3 00 |
| 877..... | 412 05 | 929..... | 6 21 | 981..... | 13 20 |
| 878..... | 600 26 | 930..... | 10 95 | 982..... | 27 45 |
| 879..... | 16 91 | 931..... | 42 15 | 983..... | 19 95 |
| 880..... | 34 29 | 932..... | 15 15 | 984..... | 3 30 |
| 881..... | 97 64 | 933..... | 9 00 | 985..... | 35 25 |
| 882..... | 125 63 | 934..... | 5 25 | 986..... | 20 51 |
| 883..... | 27 89 | 935..... | 18 75 | 987..... | 41 70 |
| 884..... | 63 83 | 936..... | 3 45 | 988..... | 33 15 |
| 885..... | 98 19 | 937..... | 10 80 | 989..... | 9 16 |
| 886..... | 96 76 | 938..... | 40 05 | 990..... | 19 80 |
| 887..... | 20 98 | 939..... | 27 60 | 991..... | 28 13 |
| 888..... | 57 72 | 940..... | 11 85 | 992..... | 5 78 |
| 889..... | 15 60 | 941..... | 13 05 | 993..... | 26 26 |
| 890..... | 8 05 | 942..... | 16 95 | 994..... | 14 40 |
| 891..... | 41 11 | 943..... | 3 30 | 995..... | 78 90 |
| 892..... | 74 58 | 944..... | 15 45 | 996..... | 6 47 |
| 893..... | 23 32 | 945..... | 52 65 | 997..... | 45 89 |
| 894..... | 36 60 | 946..... | 3 30 | 998..... | 35 72 |
| 895..... | 18 90 | 947..... | 10 35 | 999..... | 15 60 |
| 896..... | 53 10 | 948..... | 17 62 | 1000..... | 17 10 |
| 897..... | 45 77 | 949..... | 23 40 | 1001..... | 17 38 |
| 898..... | 45 90 | 950..... | 14 70 | 1002..... | 146 85 |

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|---------------|---------|---------------|---------|------------|----------|
| No. 1003..... | \$19 55 | No. 1057..... | \$24 16 | No. 1111.. | \$45 34 |
| 1004..... | 22 05 | 1058..... | 118 43 | 1112.. | 131 78 |
| 1005..... | 13 35 | 1059..... | 38 85 | 1113.. | 15 90 |
| 1006..... | 86 15 | 1060..... | 76 80 | 1114.. | 29 55 |
| 1007..... | 93 87 | 1061..... | 13 70 | 1115.. | 19 20 |
| 1008..... | 39 45 | 1062..... | 71 55 | 1116.. | 114 04 |
| 1009..... | 49 80 | 1063..... | 653 10 | 1117.. | 111 08 |
| 1010..... | 60 90 | 1064..... | 87 75 | 1118.. | 12 76 |
| 1011..... | 23 03 | 1065..... | 121 83 | 1119.. | 11 43 |
| 1012..... | 20 80 | 1066..... | 17 26 | 1120.. | 179 71 |
| 1013..... | 16 30 | 1067..... | 136 20 | 1121.. | 624 90 |
| 1014..... | 251 30 | 1068..... | 205 95 | 1122.. | 64 93 |
| 1015..... | 270 53 | 1069..... | 72 69 | 1123.. | 229 54 |
| 1016..... | 217 07 | 1070..... | 24 66 | 1124.. | 18 24 |
| 1017..... | 273 13 | 1071..... | 66 69 | 1125.. | 39 12 |
| 1018..... | 319 96 | 1072..... | 205 95 | 1126.. | 39 19 |
| 1019..... | 411 88 | 1073..... | 28 17 | 1127.. | 307 65 |
| 1020..... | 66 41 | 1074..... | 119 43 | 1128.. | 20 00 |
| 1021..... | 43 81 | 1075..... | 136 17 | 1129.. | 10 20 |
| 1022..... | 31 65 | 1076..... | 38 55 | 1130.. | 64 12 |
| 1024..... | 34 64 | 1077..... | 136 11 | 1131.. | 107 25 |
| 1025..... | 157 95 | 1078..... | 5 19 | 1132.. | 118 83 |
| 1026..... | 18 92 | 1079..... | 52 74 | 1133.. | 112 58 |
| 1027..... | 26 63 | 1080..... | 630 56 | 1134.. | 98 24 |
| 1028..... | 239 33 | 1081..... | 41 25 | 1135.. | 270 30 |
| 1029..... | 215 07 | 1082..... | 31 05 | 1136.. | 71 98 |
| 1030..... | 49 72 | 1083..... | 471 07 | 1137.. | 102 72 |
| 1031..... | 88 48 | 1084..... | 114 76 | 1138.. | 561 08 |
| 1032..... | 111 33 | 1085..... | 231 00 | 1139.. | 53 61 |
| 1033..... | 92 40 | 1086..... | 319 88 | 1140.. | 121 90 |
| 1034..... | 45 79 | 1087..... | 120 48 | 1141.. | 344 36 |
| 1035..... | 34 65 | 1088..... | 9 75 | 1142.. | 170 04 |
| 1036..... | 30 08 | 1089..... | 627 06 | 1143.. | 61 70 |
| 1037..... | 106 95 | 1090..... | 12 53 | 1144.. | 80 40 |
| 1038..... | 71 97 | 1092..... | 236 75 | 1145.. | 31 00 |
| 1039..... | 46 29 | 1093..... | 112 47 | 1146.. | 84 15 |
| 1040..... | 186 90 | 1094..... | 18 97 | 1147.. | 16 90 |
| 1041..... | 110 59 | 1095..... | 114 03 | 1148.. | 211 95 |
| 1042..... | 71 11 | 1096..... | 230 92 | 1149.. | 36 69 |
| 1043..... | 16 64 | 1097..... | 599 82 | 1150.. | 1,123 18 |
| 1044..... | 299 46 | 1098..... | 43 89 | 1151.. | 1,117 72 |
| 1045..... | 16 35 | 1099..... | 65 55 | 1152.. | 205 27 |
| 1046..... | 149 10 | 1100..... | 239 54 | 1153.. | 97 07 |
| 1047..... | 106 94 | 1101..... | 221 05 | 1154.. | 299 09 |
| 1048..... | 79 89 | 1102..... | 282 78 | 1155.. | 239 82 |
| 1049..... | 120 03 | 1103..... | 121 20 | 1156.. | 699 08 |
| 1050..... | 105 89 | 1104..... | 323 55 | 1157.. | 240 00 |
| 1051..... | 37 95 | 1105..... | 94 60 | 1158.. | 532 74 |
| 1052..... | 472 60 | 1106..... | 93 71 | 1159.. | 17 37 |
| 1053..... | 452 25 | 1107..... | 12 79 | 1160.. | 215 28 |
| 1054..... | 32 85 | 1108..... | 88 08 | 1161.. | 139 72 |
| 1055..... | 67 81 | 1109..... | 51 53 | 1162.. | 219 07 |
| 1056..... | 11 55 | 1110..... | 27 97 | 1163.. | 80 00 |

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|------------|----------|------------|---------|------------|--------|
| No. 1164.. | \$297 77 | No. 1231.. | \$14 25 | No. 1283.. | \$5 55 |
| 1165.. | 41 12 | 1232.. | 39 89 | 1284.. | 9 45 |
| 1166.. | 45 52 | 1233.. | 18 87 | 1285.. | 38 10 |
| 1167.. | 34 57 | 1234.. | 23 88 | 1286.. | 18 00 |
| 1168.. | 342 94 | 1235.. | 25 05 | 1287.. | 20 10 |
| 1169.. | 89 42 | 1236.. | 10 35 | 1288.. | 9 90 |
| 1170.. | 115 31 | 1237.. | 5 47 | 1289.. | 27 90 |
| 1171.. | 230 02 | 1238.. | 10 35 | 1290.. | 12 75 |
| 1172.. | 78 75 | 1239.. | 12 15 | 1291.. | 80 40 |
| 1174.. | 49 48 | 1240.. | 11 55 | 1292.. | 5 40 |
| 1177.. | 41 00 | 1241.. | 10 05 | 1293.. | 20 85 |
| 1178.. | 23 18 | 1242.. | 14 66 | 1294.. | 238 93 |
| 1179.. | 28 19 | 1243.. | 33 68 | 1295.. | 67 35 |
| 1180.. | 74 56 | 1244.. | 77 85 | 1296.. | 42 85 |
| 1181.. | 59 45 | 1245.. | 22 05 | 2001.. | 27 41 |
| 1182.. | 210 58 | 1246.. | 26 25 | 2002.. | 33 15 |
| 1183.. | 94 17 | 1247.. | 11 55 | 2003.. | 30 15 |
| 1185.. | 35 40 | 1248.. | 10 50 | 2004.. | 32 55 |
| 1186.. | 140 82 | 1249.. | 9 30 | 2005.. | 102 90 |
| 1187.. | 35 25 | 1250.. | 41 25 | 2006.. | 11 19 |
| 1188.. | 9 88 | 1251.. | 18 45 | 2007.. | 48 90 |
| 1189.. | 40 14 | 1252.. | 19 80 | 2008.. | 57 75 |
| 1190.. | 50 11 | 1253.. | 27 30 | 2009.. | 15 45 |
| 1191.. | 85 95 | 1254.. | 8 25 | 2010.. | 7 95 |
| 1192.. | 95 55 | 1255.. | 19 80 | 2011.. | 11 91 |
| 1193.. | 185 52 | 1256.. | 15 60 | 2012.. | 6 90 |
| 1194.. | 18 15 | 1257.. | 7 05 | 2013.. | 4 08 |
| 1195.. | 5 70 | 1258.. | 16 80 | 2014.. | 35 04 |
| 1196.. | 317 32 | 1259.. | 6 00 | 2015.. | 5 36 |
| 1197.. | 82 36 | 1260.. | 5 31 | 2016.. | 213 30 |
| 1198.. | 159 60 | 1261.. | 5 25 | 2017.. | 26 97 |
| 1199.. | 552 22 | 1262.. | 6 60 | 2018.. | 26 12 |
| 1200.. | 199 84 | 1263.. | 11 25 | 2019.. | 48 42 |
| 1201.. | 228 38 | 1264.. | 9 30 | 2020.. | 24 80 |
| 1202.. | 208 93 | 1265.. | 12 20 | 2021.. | 5 39 |
| 1203.. | 112 05 | 1266.. | 11 25 | 2022.. | 14 03 |
| 1204.. | 209 21 | 1267.. | 95 85 | 2023.. | 11 25 |
| 1205.. | 10 50 | 1268.. | 8 25 | 2024.. | 123 20 |
| 1216.. | 105 77 | 1269.. | 9 30 | 2025.. | 56 40 |
| 1217.. | 25 38 | 1270.. | 11 85 | 2026.. | 6 90 |
| 1218.. | 140 47 | 1271.. | 5 90 | 2027.. | 24 69 |
| 1219.. | 187 00 | 1272.. | 6 75 | 2028.. | 57 70 |
| 1220.. | 112 97 | 1273.. | 6 45 | 2029.. | 30 17 |
| 1221.. | 8 55 | 1274.. | 7 50 | 2030.. | 41 51 |
| 1222.. | 28 66 | 1275.. | 8 10 | 2031.. | 7 47 |
| 1224.. | 230 33 | 1276.. | 17 70 | 2032.. | 18 30 |
| 1225.. | 93 75 | 1277.. | 9 75 | 2033.. | 64 95 |
| 1226.. | 50 05 | 1278.. | 9 75 | 2034.. | 32 00 |
| 1227.. | 26 74 | 1279.. | 31 35 | 2035.. | 10 62 |
| 1228.. | 10 50 | 1280.. | 6 00 | 2036.. | 9 33 |
| 1229.. | 15 65 | 1281.. | 47 70 | 2037.. | 63 97 |
| 1230.. | 27 52 | 1282.. | 39 00 | 2038.. | 40 95 |

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|------------|---------|------------|--------|------------|---------|
| No. 2039.. | \$34 15 | No. 2091.. | \$1 63 | No. 2142.. | \$30 88 |
| 2040.. | 7 32 | 2092.. | 10 74 | 2143.. | 7 93 |
| 2041.. | 5 09 | 2093.. | 72 58 | 2144.. | 11 14 |
| 2042.. | 9 82 | 2094.. | 31 95 | 2145.. | 12 70 |
| 2043.. | 21 45 | 2095.. | 132 12 | 2146.. | 11 94 |
| 2044.. | 9 45 | 2096.. | 9 45 | 2147.. | 141 15 |
| 2045.. | 7 57 | 2097.. | 117 93 | 2148.. | 24 28 |
| 2046.. | 26 49 | 2098.. | 136 27 | 2149.. | 30 44 |
| 2047.. | 17 10 | 2099.. | 20 28 | 2150.. | 19 75 |
| 2048.. | 4 65 | 2100.. | 13 20 | 2151.. | 55 29 |
| 2049.. | 15 45 | 2101.. | 18 64 | 2152.. | 9 61 |
| 2051.. | 23 88 | 2102.. | 139 20 | 2153.. | 52 08 |
| 2052.. | 101 55 | 2103.. | 11 01 | 2154.. | 11 17 |
| 2053.. | 21 07 | 2104.. | 14 25 | 2155.. | 14 58 |
| 2054.. | 71 25 | 2105.. | 15 42 | 2156.. | 40 41 |
| 2055.. | 110 40 | 2106.. | 5 89 | 2157.. | 54 09 |
| 2056.. | 28 41 | 2107.. | 30 15 | 2158.. | 18 74 |
| 2057.. | 102 75 | 2108.. | 8 47 | 2159.. | 42 15 |
| 2058.. | 34 36 | 2109.. | 23 89 | 2160.. | 89 55 |
| 2059.. | 209 58 | 2110.. | 17 40 | 2161.. | 114 48 |
| 2060.. | 35 00 | 2111.. | 6 46 | 2162.. | 6 93 |
| 2061.. | 206 44 | 2112.. | 9 97 | 2163.. | 100 13 |
| 2062.. | 209 34 | 2113.. | 9 97 | 2164.. | 5 35 |
| 2063.. | 81 70 | 2114.. | 86 68 | 2165.. | 6 72 |
| 2064.. | 136 95 | 2115.. | 31 62 | 2166.. | 8 00 |
| 2065.. | 61 44 | 2116.. | 9 84 | 2167.. | 2 21 |
| 2066.. | 40 60 | 2117.. | 9 50 | 2168.. | 16 20 |
| 2067.. | 14 10 | 2118.. | 4 80 | 2169.. | 54 68 |
| 2068.. | 64 95 | 2119.. | 64 12 | 2170.. | 6 69 |
| 2069.. | 50 75 | 2120.. | 11 29 | 2171.. | 5 55 |
| 2070.. | 94 15 | 2121.. | 6 90 | 2172.. | 46 69 |
| 2071.. | 29 15 | 2122.. | 91 20 | 2173.. | 9 62 |
| 2072.. | 28 94 | 2123.. | 13 72 | 2174.. | 21 44 |
| 2073.. | 93 26 | 2124.. | 17 57 | 2175.. | 24 73 |
| 2074.. | 94 15 | 2125.. | 32 13 | 2176.. | 24 25 |
| 2075.. | 82 82 | 2126.. | 95 70 | 2177.. | 13 38 |
| 2076.. | 168 30 | 2127.. | 21 15 | 2178.. | 12 45 |
| 2077.. | 8 07 | 2128.. | 16 86 | 2179.. | 10 80 |
| 2078.. | 117 45 | 2129.. | 40 87 | 2180.. | 12 15 |
| 2079.. | 12 76 | 2130.. | 12 87 | 2181.. | 105 45 |
| 2080.. | 46 09 | 2131.. | 46 50 | 2182.. | 64 49 |
| 2081.. | 23 36 | 2132.. | 142 95 | 2183.. | 44 65 |
| 2082.. | 19 20 | 2133.. | 8 60 | 2184.. | 14 54 |
| 2083.. | 126 90 | 2134.. | 32 19 | 2185.. | 5 29 |
| 2084.. | 16 77 | 2135.. | 7 01 | 2186.. | 38 21 |
| 2085.. | 16 77 | 2136.. | 5 83 | 2187.. | 90 91 |
| 2086.. | 11 13 | 2137.. | 22 15 | 2188.. | 13 95 |
| 2087.. | 21 16 | 2138.. | 13 95 | 2189.. | 17 92 |
| 2088.. | 109 50 | 2139.. | 60 99 | 2190.. | 15 27 |
| 2089.. | 58 08 | 2140.. | 8 27 | 2191.. | 14 93 |
| 2090.. | 92 68 | 2141.. | 49 49 | 2192.. | 36 00 |

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|------------|--------|------------|----------|------------|---------|
| No. 2193.. | \$8 40 | No. 1317.. | \$48 15 | No. 1376.. | \$71 40 |
| 2194.. | 69 74 | 1318.. | 148 50 | 1377.. | 24 62 |
| 2195.. | 19 27 | 1319.. | 54 79 | 2212.. | 22 63 |
| 2196.. | 54 17 | 1321.. | 1,197 25 | 2213.. | 31 38 |
| 2197.. | 55 95 | 1322.. | 75 99 | 2214.. | 31 24 |
| 2198.. | 30 75 | 1323.. | 109 57 | 2215.. | 94 20 |
| 2199.. | 11 85 | 1324.. | 176 25 | 2216.. | 41 72 |
| 2200.. | 103 80 | 1325.. | 72 17 | 2217.. | 7 99 |
| 2201.. | 56 54 | 1326.. | 27 27 | 2218.. | 39 07 |
| 2202.. | 16 22 | 1327.. | 33 94 | 2219.. | 8 10 |
| 2203.. | 12 66 | 1328.. | 480 90 | 2220.. | 23 48 |
| 2204.. | 70 65 | 1329.. | 438 91 | 2221.. | 24 30 |
| 2205.. | 78 75 | 1330.. | 553 73 | 2222.. | 37 20 |
| 2206.. | 4 31 | 1331.. | 305 25 | 2223.. | 9 70 |
| 2207.. | 162 30 | 1332.. | 58 65 | 2224.. | 10 27 |
| 2208.. | 82 41 | 1333.. | 57 60 | 2225.. | 150 00 |
| 2209.. | 44 52 | 1334.. | 39 90 | 2226.. | 5 03 |
| 2210.. | 118 47 | 1338.. | 79 37 | 2227.. | 132 09 |
| 2211.. | 72 18 | 1339.. | 54 15 | 2228.. | 86 09 |
| 1300.. | 331 95 | 1344.. | 295 58 | 2229.. | 11 59 |
| 1301.. | 166 29 | 1347.. | 23 55 | 2230.. | 34 60 |
| 1302.. | 72 54 | 1348.. | 117 00 | 2231.. | 12 21 |
| 1303.. | 87 01 | 1349.. | 104 88 | 2232.. | 5 00 |
| 1304.. | 76 78 | 1350.. | 238 12 | 2233.. | 63 60 |
| 1305.. | 12 84 | 1351.. | 8 10 | 2234.. | 17 26 |
| 1306.. | 75 49 | 1352.. | 35 55 | 2235.. | 26 57 |
| 1307.. | 79 02 | 1355.. | 358 20 | 2236.. | 14 25 |
| 1308.. | 106 55 | 1357.. | 6 89 | 2237.. | 97 50 |
| 1309.. | 46 05 | 1358.. | 77 26 | 2238.. | 22 20 |
| 1310.. | 10 90 | 1361.. | 10 20 | 2239.. | 24 45 |
| 1312.. | 88 95 | 1363.. | 440 95 | 2240.. | 8 65 |
| 1313.. | 89 85 | 1365.. | 1,329 30 | 2241.. | 55 05 |
| 1314.. | 43 05 | 1367.. | 41 10 | 2242.. | 9 30 |
| 1315.. | 137 75 | 1371.. | 198 49 | 2243.. | 17 80 |
| 1316.. | 114 74 | 1373.. | 339 10 | | |

Q. That leaves a balance of \$12,004.98 still to the credit of the dividend account; those two amounts together make the sum of \$126,519.90, which you have credited yourself with as the dividend account? A. Yes, sir.

Q. Have you with you your vouchers for the payment of \$7,874.71, which you have credited yourself with in the matter of the payment of the miscellaneous expenses of the company's property? A. Yes, sir.

Q. Produce them? A. They are now produced, sir.

[The following vouchers are produced and stamped.]

| | |
|---|---------|
| A. Voucher A is a statement of account of H. W. Bushford for taking charge of company's property at Yonkers, as by sub-vouchers accompanying..... | \$57 90 |
| Voucher B is the same..... | 36 15 |
| Voucher 25½ is to W. H. Lawrence for taxes on company's property..... | 75 47 |

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| Voucher 25½ to Francis, collector of taxes on Getty property | \$473 40 |
| Voucher 25½, paid to W. R. Doty, taxes on same property | 2,253 97 |
| Voucher 61. Taxes on Getty and Munn property..... | 120 87 |
| Voucher 72. W. H. Doty, taxes on Getty property..... | 41 18 |
| Voucher 83. Keasby & Son, costs in sheriff's fees in foreclosure. | 232 83 |
| Voucher 87. The same..... | 278 22 |
| Voucher C. H. W. Bushford, repairs to the property at Yonkers..... | 91 90 |
| Voucher 88. Miles and Church, for sheriff's costs and expenses at purchase at foreclosure sale of Thompson property | 308 73 |
| Voucher 94. Taxes on property purchased by receiver under foreclosure, and formerly bonds and mortgages, No. 216..... | 37 77. |
| Voucher 95. Keasby & Son for bill of foreclosure of property in New Jersey, the J. and O. Rogers property, \$286.80 ; costs of order of deficiency, \$7 ; and against Giles, Wales & Co., cost for order of deficiency, \$7.50 ; and another for costs and deficiency against J. P. Rogers, \$282.28 ; making in all..... | 584 05 |
| Voucher 98. Mattock & Co., taxes on Chicago property | 340 00 |
| Voucher 96. J. M. Crolins, for services as agent in New Jersey property..... | 42 93 |
| Voucher 106. Anderson, collector of taxes on Palisade property..... | 14 04 |
| Voucher 108. Plumbing in Plainfield..... | 5 00 |
| Voucher 109. Taxes on company's property at Plainfield | 534 59 |
| Voucher 110. Taxes on Roger's property in Plainfield.. | 340 20 |
| Voucher 120. Robert E. Tibbets, for expenses, etc., in ejecting tenants on Rogers property in Plainfield..... | 13 25 |
| Voucher 116½. Same..... | 1 40 |
| Voucher 122. H. L. Garrison, for taxes on Sanger property at Yonkers..... | 15 85 |
| Voucher D. H. W. Bushford on Yonkers property as agents for disbursements, etc..... | 57 14 |
| [Sub-vouchers are produced for the disbursements.] | |
| Voucher 184. Fire taxes on Flagg and Rogers property in Plainfield. Clark, collector..... | 32 50 |
| Voucher 188. Same..... | 73 15 |
| Voucher 189. Same..... | 42 35 |
| Voucher 199. Plumbing on Rogers' house..... | 2 25 |
| Voucher 206. J. O. Tobias, traveling expenses to Saratoga. | 20 00 |

I went up there to examine in regard to the condition of the property that the company was interested in.

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| Voucher 208. Same | \$27 55 |
| Voucher. In deed. Mattock and Mason..... | 38 00 |

I will produce that voucher.

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| Voucher 220. | Taxes on property at Huyler's Landing. | \$12 87 |
| Voucher 233. | C. H. Johnson, for taking charge of Thompson farm at Mendham, N. J..... | 20 00 |
| Voucher 244. | Taxes on Rogers' property..... | 71 25 |
| Voucher 245. | Taxes on Flagg property..... | 41 25 |
| Voucher 248. | Insurance..... | 20 00 |

The amount of insurance was twenty dollars. I was allowed 15 per cent. commission, which I credited on the other side of the cash-book. I did that in all instances, and gave the trust the benefit of it.

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| Voucher 252. | State and county taxes on Saratoga property..... | \$151 13 |
| Voucher 257. | Insurance on Marion property, fire insurance premium (\$3.25 commission credited on cash) | 25 00 |
| Voucher 258. | N. Miller, for survey and map of the Overton property..... | 20 00 |
| Voucher 262. | C. D. Westbrook, for traveling expenses to Nyack..... | 3 09 |
| Voucher 264. | State and county taxes on Dwight lot at Binghamton, New York..... | 11 10 |
| Voucher 263. | German American Insurance Company, insurance on different properties..... | 78 48 |
| I produce the voucher No. 263 for premiums paid to the German American Insurance Company, amounting together to \$141.38. There are included in this voucher other payments which are charged in other accounts. | | |
| Voucher 272. | C. H. Johnson, services of taking charge of Thompson property at Mendham ; we had to have a person take charge of it, as we could not get it insured..... | 20 00 |
| Voucher 275. | German-American Insurance Company, insurance on Saratoga property..... | 32 00 |
| Another item in this voucher of thirty dollars is charged in another account. | | |
| Voucher 287. | Frank H. Earle, surveying lots of the Marion building property..... | 20 00 |
| Voucher 289. | German-American Insurance Company.. | 38 75 |
| There was a commission of \$5.81, which was credited to the trust. | | |
| Voucher 291. | Atlantic Insurance Company..... | 12 50 |
| Voucher 294. | C. D. Westbrook, traveling expenses to inspect Mendham property..... | 4 05 |
| Voucher 295. | J. O. Tobias, expenses to Plainfield and disbursements in clearing ground..... | 7 50 |
| Voucher 296. | German-American Insurance Company (\$4.80 commission credited to the trust)..... | 32 00 |
| Voucher 299. | J. O. Tobias, traveling expenses to Saratoga in relation to the company's property..... | 17 00 |
| Voucher 300. | Taxes on Saratoga property..... | 217 39 |

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|--|---------|
| Voucher R. B. Collection of United States dividend.. | \$30 00 |
| This was for the collection of the dividend due the Continental Life Insurance Company on six per cent issue of the loan of 1867, which fell due January 1st, 1877. I was first informed of this amount being due the company by a gentleman by the name of H. E. McEwen, who called in and told me there was money due to the Continental Life Insurance Company, but would not tell me for what; he tried to make an arrangement with me by which he would collect and pay over to me the amount that was coming to us, if I would give him fifty per cent. I refused, as the court would never allow me to pay fifty per cent; but after a little talk he agreed to get it for ten per cent, so I gave him thirty dollars for collecting this three hundred dollars from the United States Government. The money had been laying there for several years. | |
| Voucher 316. Repairs to Saratoga property on account of bill of \$176.44; Messrs. Putnam & Eustis, the agents of the company, paid the balance of it; absolute repairs to keep the company from destruction.... | 100 00 |
| Voucher 317. Taxes at Yonkers | 51 34 |
| Voucher 318. German-American Insurance Company, paid on Plainfield property, New Jersey (commission of 10.00 credited to the fund | 66 75 |
| Voucher 320. Taxes on Saratoga property, the Whiting property..... | 209 02 |
| Voucher 325. John Watkins, for paint to paint the company's property at Huyler's landing | 4 00 |
| Voucher 333. Water taxes on Saratoga property | 127 00 |
| Voucher 334. Taking care of Thompson property at Mendham, New Jersey..... | 27 50 |
| Voucher 335. J. O. Tobias, for expenses in Saratoga in relation to company's property..... | 18 00 |
| Voucher 338. German American Insurance Company, insurance paid on Ryan property at Yonkers..... | 10 00 |
| Voucher 340. O. T. Van Deran, for services rendered in taking charge of property, and selling material at East Newark; that was for selling some bricks and an old steam-engine..... | 10 00 |
| Voucher 343. J. M. Crolins, for services rendered in taking charge of Marion Building Association property | 10 00 |
| Voucher 345. Charles S. Ensign; that was paid for an assignment of bill of sale for gas fixtures and portable heater in company's property; the owner of the articles above-mentioned was about removing them, and the damage to the property would have been much greater than the amount paid..... | 50 00 |
| Voucher 346. German American Insurance Company, for insurance on Plainfield property..... | 12 00 |

This is included in a bill for which other insurance is included, which is charged in other accounts.

| | |
|---|-------------------|
| Voucher 359. German American Insurance Company, for insurance on Saratoga property..... | \$71 40 |
| Voucher 381. Home Insurance Company, for insurance on Whiting property at Saratogo..... | 30 00 |
| Making a grand total of..... | <u>\$7,874 71</u> |

Paid out under the head of miscellaneous rents and expenses, as appears by above vouchers.

Adjourned to January 21st, 1880, at one o'clock P. M.

JANUARY 21st, 1880.

Parties meet and proceed.

Mr. J. O. Tobias, examination continued, examined by R. J. MOSES, Jr.:

Q. Mr. Tobias, you have put in evidence certain checks paid out by you on the dividend account for policy-holders, what is the footing of those checks paid out? A. Those checks that we have here, that have been before the referee, should foot up \$113,035.62; it is necessary for me to make a little explanation here; it will be noticed that the above amount is forty dollars and sixty cents more than the deposit in the cash book, which was caused by the Receiver depositing a dividend check, number 2066, which had been returned by Davies and Work, attorneys, to whom it had been issued as an error; the deposit of this check caused the excess of forty dollars and sixty cents.

Q. What other amounts besides these checks have you charged up to the dividend account? A. I have vouchers showing that I have expended \$1,519.90 to the dividend account.

Q. In addition to these checks? A. In addition to these checks.

Q. Will you produce those vouchers? A. They are now here.

Examined by A. B. PARKER, Esq.:

| | |
|--|----------------|
| Q. The first starts from the receipt book November 22d, A. Gil-mour..... | \$15 00 |
| Charles W. McDonnell..... | 3 00 |
| James O'Neill..... | 3 00 |
| Total..... | <u>\$21 00</u> |

November 29th, same parties same amounts.

| | |
|--------------------------------|-----------------|
| December 1. Lucius McAdam..... | \$50 00 |
| George W. Crofut..... | 50 00 |
| Total..... | <u>\$100 00</u> |

| | |
|-----------------------------|----------------|
| December 6. A. Gilmour..... | \$15 00 |
| Charles W. McDonnell..... | 3 00 |
| Total..... | <u>\$18 00</u> |

December 13. Same parties same amounts.

| | |
|---------------------------------|-----------------|
| December 15. Lucius McAdam..... | \$50 00 |
| George W. Crofut..... | 50 00 |
| Total..... | <u>\$100 00</u> |

December 19. Voucher 384 :

| | |
|------------------------------|----------------|
| Faber lead pencils..... | \$3 75 |
| December 20. A. Gilmour..... | 15 00 |
| Charles W. McDonnell..... | 3 00 |
| Total..... | <u>\$18 00</u> |

December 27. Same parties same amounts.

Vouchers R. B. are contained in a large receipt book:

| | |
|---|---------|
| October 1, 1879. Lucius McAdam, salary to date..... | \$40 00 |
| October 2. E. W. Sackett for government stamps, dividend check book. Voucher 348..... | 360 00 |
| October 4. Voucher 351: | |
| N. Y. Daily Bulletin, for printing..... | 3 50 |
| October 11. Voucher 354: | |
| F. W. Paschall, rubber stamps..... | 2 00 |
| October 15. Receipt book: | |
| Lucius McAdam, salary..... | 75 00 |
| Q. How long a period did that cover? A. Two months at \$150 and afterward at \$100; he was an actuary, and was considered to be worth about \$300 or \$400 per month. | |
| October 18. Voucher 356: | |
| M. J. Denby, for rubber stamps..... | 3 50 |
| October 18. Receipt book: | |
| A. Gilmour, for salary..... | 15 00 |
| October 18. Receipt book: | |
| James O'Neill, for salary..... | 3 00 |
| October 18. Receipt book: | |
| Charles McDonnell..... | 3 00 |
| October 18. Voucher 357: | |
| Hannahan, for rubber stamp..... | 2 75 |
| October 25. Receipt book: | |
| A. Gilmour..... | 15 00 |
| James O'Neill..... | 3 00 |
| Charles McDonnell..... | 3 00 |

| | |
|------------|----------------|
| Total..... | <u>\$21 00</u> |
|------------|----------------|

October 30. United States postage stamps..... \$40 00

These were bought at the post-office; there is no voucher, and they do not give any.

Pay-roll. November 1.
McAdam..... \$75 00
Gilmour..... 15 00
McDonnell..... 3 00
O'Neill..... 3 00
Crofut..... 50 00

Total.....\$146 00

Pay-roll. November 8.
Gilmour.....\$15 00
O'Neill..... 3 00
McDonnell..... 3 00
Total.....\$21 00

November 11. Voucher 368. Also in receipt book :

E. W. Sackett, for printing..... \$345 40

This was for printing envelopes, check books, receipt books, postal cards, revenue stamps (\$405.00), printing of circulars, etc., etc. There was \$705.40 credited by cash October 2; \$360.00 per voucher 348; total of \$345.40.

November 15. Pay-roll for November. Receipt book:

Gillespie, \$50.00; Crofut, \$50.00; Gilmour, \$15.00; McDonnell, \$3.00; O'Neill, \$3.00; total, \$121.00.

Q. The total amount paid out under the dividend account, then, is how much? A. \$1,519.90.

[Vouchers are produced for all the above amounts, with the exception of the item of forty dollars for United States postage stamps, for which no receipt could be obtained.]

Q. These amounts were all expended by you? A. Yes, sir; the \$12,004.98 in the bank includes the checks outstanding at the close of business December 31, 1879.

Q. Have you your vouchers here for your expenses in connection with the Continental building? A. I have, sir.

Q. Produce the vouchers? A. The vouchers are here, sir.

August 1. Voucher 5:

James T. Dudley, janitor..... \$162 05

September 1. Voucher 18:

Same party..... 229 41

September 11. Voucher 22:

John Doran, for coal..... 59 49

September 11. Voucher 21:

Parker and Norton, for coal..... 195 25

September 11. Voucher 23:

Jesse Carley, for repairs.. 17 55

September 11. Voucher 24:

Jesse Carley, for repairs..... 18 95

October 1. Voucher 26:

James T. Dudley, janitor..... 227 91

October 29. Voucher 53:

Taxes for 1877..... 8,558 00

I got a discount of \$54.50 by borrowing the money from the receiver, and paying in advance of the time prescribed by law.

November 1. Voucher 47:

| | |
|------------------|----------|
| Water taxes..... | \$391 00 |
|------------------|----------|

Of this amount I paid \$195.50, the Fourth National Bank paying the remainder; the bill in previous years was five hundred dollars, but I succeeded in having it reduced to this amount.

November 1. Voucher 48:

| | |
|-------------------------------|----------|
| James T. Dudley, janitor..... | \$229 41 |
|-------------------------------|----------|

December 1. Voucher 63:

| | |
|-------------------------------|--------|
| James T. Dudley, janitor..... | 227 16 |
|-------------------------------|--------|

December 14. Voucher 74:

| | |
|---------------------------------------|-------|
| Edmons, supplies engineer's room..... | 37 40 |
|---------------------------------------|-------|

December 17. Voucher 77:

| | |
|--|--------|
| Willys H. Warner, work on steam apparatus..... | 299 26 |
|--|--------|

January 2, 1878. Voucher 85:

| | |
|-------------------------------|--------|
| James T. Dudley, janitor..... | 228 66 |
|-------------------------------|--------|

January 7. Voucher 86½:

| | |
|---|-------|
| Hartford Steam Boiler Insurance Company, premium on insurance on boiler..... | 25 00 |
|---|-------|

January 9. Voucher 90:

| | |
|--|-------|
| John Doland, carting and stowing coal..... | 77 75 |
|--|-------|

January 9. Voucher 89:

| | |
|-------------------------------------|--------|
| Lehigh and Wilkesbarre Coal Co..... | 548 52 |
|-------------------------------------|--------|

January 16. Voucher 92:

| | |
|-------------------------------------|------|
| Patrick Lynch, mat for elevator.... | 8 50 |
|-------------------------------------|------|

January 16. Voucher 93:

| | |
|-----------------------------------|-------|
| Lehigh and Wilksbarre Coal Co.... | 15 43 |
|-----------------------------------|-------|

February 1. Voucher 100:

| | |
|-------------------------------|--------|
| James T. Dudley, janitor..... | 229 41 |
|-------------------------------|--------|

February 18. Voucher 105:

| | |
|--|--------|
| Fourth National Bank, divisional gas bill..... | 188 62 |
|--|--------|

March 5. Voucher 114:

| | |
|-------------------------------|--------|
| James T. Dudley, janitor..... | 227 16 |
|-------------------------------|--------|

March 7. Voucher 118:

| | |
|---------------------|------|
| Gas for office..... | 7 00 |
|---------------------|------|

March 15. Voucher 119:

| | |
|---------------------------|-------|
| Divisional gas bill | 32 50 |
|---------------------------|-------|

This was gas bill for hall, basement, urinals and engine room.

April 1. Voucher 123:

| | |
|--------------------------------|--------|
| James T. Dudley, janitor | 228 66 |
|--------------------------------|--------|

May 1st. Voucher 134:

| | |
|--------------------------------|--------|
| James T. Dudley, janitor | 228 66 |
|--------------------------------|--------|

May 1. Voucher 136:

| | |
|---|-------|
| Fourth National bank, divisional gas bill | 33 00 |
|---|-------|

May 8. Voucher 149:

| | |
|--|--------|
| Lehigh and Wilkesbarre Coal Co., divisional bill | 376 49 |
|--|--------|

May 8. Voucher 150½:

| | |
|-------------------------------|-------|
| J. S. Sparks, wood bill | 12 00 |
|-------------------------------|-------|

May 10. Voucher 152:

| | |
|---|-------|
| Edwards & Benton, engine supplies, divisional bill..... | 31 44 |
|---|-------|

May 11. Voucher 154:

| | |
|----------------------------------|-------|
| J. Donalds, divisional bill..... | 58 50 |
|----------------------------------|-------|

June 1, 1878. Voucher 161 :
 James T. Dudley, janitor \$229 41
 June 1. Voucher 162 :
 Insurance premium of Continental Insurance Company. 210 00
 Q. What is that on ? A. On the building.
 Q. What was the former insurance ? A. \$175,000 for building and
 \$100,000 for rents,
 June 1. Voucher 163 :
 Insurance German American..... \$420 00
 Q. What is that for ? A. On the Continental building.
 June 1. Voucher 165 :
 Mercantile Insurance Company..... 90 00
 June 1. Voucher 154 :
 Liverpool, London and Globe Insurance Company on
 Continental building..... 90 00
 Q. Does that complete the insurance, that last one you had ? A.
 Some time after there comes one or two companies.
 Q. What was the amount of insurance on the property the year
 previous, and state whether any saving was made to the trust and
 how ? A. The same amount of insurance was taken this last year as
 for the three years previous, we insured for three years. In making
 this insurance I did away with agents and attended to the matter
 personally; and from the amounts that were paid before, and the
 amounts that I paid I saved to the trust \$1,052.05 in commissions and
 reductions of rates, of which the trust got the benefit of it.
 Q. Will you itemize the particulars of that saving ? A. In the
 Continental Insurance Company I have not got the particulars,
 except this way, for the fire insurance in the Continental Insurance
 Company, I saved from last insurance to the trust \$321.51. In the
 German American Insurance for re-insurance of policies in the Ger-
 man American, Howard, Hanover, Etna of Hartford, London Assur-
 ance and Liverpool, London and Globe, I saved \$684.50 by saving
 commissions and reductions of rates. In the North British and
 Mercantile Insurance Company I saved \$45.98 so that my total savings
 were \$1,052.05.

By REFEREE :

Q. What company charges you the lowest rate ? A. I made them
 all do it at the same rate.

June 22. Voucher 177 :
 Divisional gas bill..... \$61 75
 July 1. Voucher 179 :
 James T. Dudley, janitor 227 91

I must here state in regard to the bills of Mr. Dudley, as janitor,
 that they include the wages of the janitor, engineer, firemen, two
 elevator boys and lunches for three men for twenty-five days, each bill,
 and the bank pays the same amount that the receiver has been paying.
 This man is retained under a contract between the old Continental
 and Fourth National bank made before the receiver was appointed.

| | |
|---|----------|
| July 15. Voucher 185: | |
| Water taxes, divisional share..... | \$193 00 |
| August 1. Voucher 191: | |
| James T. Dudley, janitor..... | 228 66 |
| September 2. Voucher 200: | |
| James T. Dudley, janitor | 229 41 |
| September 5. Voucher 201: | |
| J. B. Hoyt & Co., for belt for engine..... | 26 75 |
| September 5. Voucher 202: | |
| James S. Sparks, for wood | 13 00 |
| September 5. Voucher 203: | |
| E. H. Van Buren, tallow for engine | 9 43 |
| October 1. Voucher 209: | |
| James T. Dudley, janitor | 226 66 |
| October 9. Voucher 216: | |
| Continental Insurance Company for insurance on furni- ture | 7 50 |
| October 9. Voucher 217: | |
| Tong, for painting | 37 00 |
| October 15. Voucher 219: | |
| German American Insurance Company, insurance in various companies..... | 480 00 |

I would state that we have saved on that \$755.83 as compared with the cost of previous insurance; I got on this insurance a commission of twenty-five per cent, which I deducted from the amount. The amount of insurance was the same as in previous years and in the same companies.

| | |
|---|---------|
| October 24. Voucher 221. | |
| German-American Insurance Company..... | \$60 00 |
| October 26. Voucher 222. | |
| Taxes for building | 230 30 |
| Q. Did you make any saving in the tax bill? A. I made a saving of \$57.20 by paying the amount in advance. | |
| November 1. Voucher 223. | |
| James T. Dudley, janitor..... | 229 36 |
| November 4. Voucher 227. | |
| Fourth National Bank, divisional gas bill..... | 98 12 |
| November 18. Voucher 231. | |
| Fegener & Clark, engineer's supplies and repairs..... | 235 38 |
| November 31. Voucher 232. | |
| Cady & Moseman, for repairing lock of vault..... | 2 50 |
| December 2. Voucher 236. | |
| James T. Dudley, janitor | 228 66 |
| December 4. Voucher 239. | |
| Lehigh and Wilkesbarre coal company..... | 665 10 |
| December 4. Voucher 240. | |
| John Doran, carting and stowing coal..... | 58 60 |

In regard to the purchase of coal, I would state when the coal was low we laid in a large quantity to supply us over a season, and thereby made quite a saving to the trust. The company we bought of did not deliver it, and we had to employ Mr. Doran to cart and put it in we bought in large quantity by the cargo.

| | |
|---|---------|
| December 4. Voucher 241 : | |
| F. Greaves for putting in leader in connection with the boiler, and other items | \$12 84 |
| January 2, 1879. Voucher 250 : | |
| James T. Dudley, janitor..... | 228 06 |
| January 6. Voucher 253 : | |
| German-American Insurance Company..... | 60 00 |
| February 1. Voucher 254 : | |
| James T. Dudley, janitor | 228 66 |
| February 17. Voucher 259 : | |
| Willys H. Warner, for repairs to steam engine, divisional bill | 159 02 |
| February 17. Voucher 260 : | |
| James S. Sparks, for kindling wood..... | 22 00 |
| March 3. Voucher 265 : | |
| James T. Dudley, Janitor..... | 227 16 |
| March 10. Voucher 268 : | |
| Fourth National Bank, divisional gas bill | 188 30 |
| March 10. Voucher 269 : | |
| Otis Brothers & Co., repairs to elevator..... | 26 58 |
| March 10. Voucher 270 : | |
| Hartford Steam Boiler Company, divisional bill for insurance on boilers..... | 25 00 |
| April 1. Voucher 278 : | |
| James T. Dudley, janitor..... | 228 66 |
| April 18. Voucher 282 : | |
| A. Sims, bill for plumbing | 138 37 |
| May 1. Voucher 283 : | |
| James T. Dudley, janitor..... | 238 66 |
| May 13. Voucher 290 : | |
| Edmonds & Benton, engineer's supplies | 51 65 |
| May 16. Voucher 292 : | |
| Jesse Carley, repairs to windows, new cords, hangings, sashes, etc | 30 00 |
| May 23. Voucher 297 : | |
| Divisional water taxes..... | 193 00 |
| May 23. Voucher 298 : | |
| Alfred R. Tong, for bill of painting the Continental building, by order of court.... | 205 05 |
| June 2. Voucher 302 : | |
| James T. Dudley, janitor..... | 229 41 |
| June 4. Voucher 303 : | |
| F. Greaves, for currying flue | 30 35 |
| June 4. Voucher 304 : | |
| J. S. Sparks, divisional bill for kindling wood..... | 22 00 |
| June 4. Voucher 305 : | |
| Divisional bill for belting to engine, paid to the Phenix Pack and Rubber Company | 5 93 |
| June 4. Voucher 306 : | |
| Patrick Kelly, man for elevator..... | 8 50 |
| June 9. Voucher 309 : | |
| Divisional coal bill..... | 916 57 |

The Fourth National Bank being more familiar with the buying of coal, we never bought any directly, but through them, as they were greater experts; we paid them the bill; the bank always buys it.

| | |
|---|----------|
| June 9. Voucher 310: | |
| John Doran, carting and stowing coal..... | \$113 40 |
| July 1. Voucher 312: | |
| James T. Dudley, janitor..... | 227 91 |
| August 1. Voucher 323: | |
| James T. Dudley, janitor..... | 229 41 |
| August 2. Voucher 324: | |
| Alfred Tong, for painting..... | 74 00 |
| August 9. Voucher 327: | |
| J. B. & J. M. Cornell, repairing shutters..... | 4 81 |
| August 9. Voucher 328: | |
| T. H. Knight, for plumbing..... | 1 12 |
| August 11. Voucher 329: | |
| A. Sims, for plumbing..... | 48 66 |
| August 13. Voucher 332: | |
| A. Sims, for plumbing..... | 5 00 |
| August 17. Voucher 336: | |
| E. C. Covert, divisional bill for painting roof..... | 37 50 |
| September 1. Voucher 337: | |
| James T. Dudley, janitor..... | 228 66 |
| September 18. Voucher 342: | |
| Tong, for painting..... | 69 50 |
| October 1. Voucher 347. | |
| James T. Dudley, janitor..... | 228 66 |
| October 7. Voucher 352. | |
| Edmons & Benton, divisional bill for engineer's supplies | 37 20 |
| October 25. Voucher 360: | |
| Fourth National Bank, divisional gas bill..... | 153 60 |
| October 30. Voucher 363: | |
| Tong, for painting..... | 27 00 |
| November 1. Voucher 364: | |
| James T. Dudley, janitor..... | 229 41 |
| November 13. Voucher 369: | |
| F. Greaves, for repairing flues..... | 29 40 |
| November 22. Voucher 370: | |
| F. Greaves, for repairing engine..... | 28 12 |
| November 24. Voucher 371: | |
| A. Sims, for plumbing..... | 12 80 |
| November 24. Voucher 372: | |
| Taxes for the year 1879..... | 8,385 00 |
| November 24. Voucher 373: | |
| Willys H. Warner, for repairs and supplies to engine-room | 130 26 |
| November 24. Voucher 374: | |
| Willys H. Warner, repairs to radiators..... | 75 09 |
| December 1. Voucher 375: | |
| James T. Dudley, janitor..... | 238 66 |
| December 17. Voucher 382: | |
| J. S. Sparks, for kindling wood..... | 22 00 |

December 20. Voucher 386 :

A. Sims, for plumbing..... \$5 55

Q. Making the total amount of expenses paid out in connection with the Continental building during that period, how much, Mr. Tobias?
A. \$39,721.39 ; all these items were paid by the receiver.

Q. What were your receipts from that building, during that period, for rents? A. \$61,319.31.

Q. Making total amount of receipts, over and above expenses as paid, how much? A. \$21,597.92.

Q. That is the total amount over and above expenses during the two and a half years? A. Yes, sir.

Q. What is the appraised value of this property? A. \$325,000. I would also state in connection with this, that there is a large amount of repairs that will not have to be done for some years to come ; there are large bills for repairs to engine, that had not been repaired for four or five years, and repairs to radiators that had not been repaired for a number of years. The receiver has also had, rent free, the use of the offices occupied by him in the building, which represents quite a large amount of money. We have rented the original offices occupied by the Continental for \$13,000. The offices we now use are necessary on account of having large vaults, which we require to keep the books of the receivership, and our rooms are now on the second floor, back. The persons making the repairs on the engine, and doing the work on the building, have never been employed by us, but in all cases by the bank, they being more familiar with the nature of the repairs that were required, as one of the trustees was an engineer, who supervised it, and I paid half the bill. Before any work is done on the building the matter is always discussed between the bank and the receiver, and decided upon.

By REFEREE:

Q. Nothing is done without your direction? A. Nothing whatever; I always make a personal examination of the work before it is done.

By Mr. MOSES:

Q. Does that \$229, paid to the janitor, include his services for collecting rents? A. Yes, sir ; for cleaning of the offices of the Continental, cleaning of the halls and collecting the rents.

Q. Have you ever paid him any commission for renting offices? A. I have never paid him one cent over and above his salary.

Q. No charge made to the fund for renting by anybody? A. No, sir ; no charge.

By MR. PARKER:

Q. The receiver credits himself with the payment of the sum of \$34,846.65 for salaries paid to assistants in connection with this trust?
A. Yes, sir.

Q. Have you vouchers for those payments? A. I have, sir.

Q. Produce them? A. They are all in the receipt book.

July pay roll :

| | | | |
|------------------------|----------|---------------------|-------------------|
| J. O. Tobias..... | \$280 00 | C. D. Westbrook... | \$800 00 |
| James M. O'Neil... | 40 00 | Richard Harrigan.. | 30 00 |
| Gillespie | 23 33 | Thomas Chaffee.... | 100 00 |
| J. B. Westbrook... | 66 66 | Robert E. Tibbits.. | 66 66 |
| Making a total of..... | | | <u>\$1,406 65</u> |

I do not find Harrigan's receipt for the thirty dollars, but I will produce it. I have the check here.

August 15, pay roll :

| | | | |
|--------------------|----------|---------------------|-----------------|
| C. D. Westbrook... | \$200 00 | J. O. Tobias..... | \$200 00 |
| Gillespie | 50 00 | James O'Neill..... | 30 00 |
| Chaffee | 75 00 | J. B. Westbrook ... | 50 00 |
| Tibbits | 50 00 | | |
| Total..... | | | <u>\$655 00</u> |

September 1 :

| | | | |
|--------------------|-----------------|------------------------------------|---------|
| Gillespie | \$50 00 | J.W. O'Neill..... | \$10 00 |
| Chaffee | 75 00 | J. O. Tobias | 200 00 |
| Tibbits..... | 80 00 | Chaffee | 75 00 |
| James O'Neil..... | 30 00 | Tibbits..... | 50 00 |
| Harrigan..... | 20 00 | J. W. O'Neill..... | 30 00 |
| J. B. Westbrook... | 50 00 | Tibbits | 50 00 |
| J. O. Tobias... .. | 200 00 | J. B. Westbrook... | 50 00 |
| C. D. Westbrook... | 200 00 | I paid J. O'Neill \$5, for which I | |
| John O'Neill | 10 00 | will produce a voucher. On the | |
| Total..... | <u>\$685 00</u> | 13th I paid Richard Harrigan \$20 | |
| | | for two weeks' services, and John | |
| | | W. O'Neill \$10 for two weeks' | |
| | | services, for which I will produce | |
| | | vouchers. | |

I paid Harrigan at the expiration of every two weeks, and I paid Sept. 1st

September 15:

| | |
|--------------------|--------|
| Gillespie | 50 00 |
| Chaffee | 75 00 |
| Tibbits | 50 00 |
| Harrigan..... | 20 00 |
| O'Neill | 30 00 |
| J. B. Westbrook... | 50 00 |
| J. O. Tobias..... | 200 00 |
| C. D. Westbrook... | 200 00 |
| October 1 : | |
| C. D. Westbrook... | 200 00 |
| Harrigan | 20 00 |

October 11 :

| | |
|---------------------|-------------------|
| C. D. Westbrook... | \$200 00 |
| J. O. Tobias | 200 00 |
| Chaffee..... | 75 00 |
| Tibbits | 50 00 |
| Gillespie | 50 00 |
| J. B. Westbrook ... | 50 00 |
| James W. O'Neil.. | 30 00 |
| Harrigan, Oct. 27.. | 20 00 |
| J. W. O'Neill... .. | 10 00 |
| Making a total for | |
| the month..... | <u>\$1,370 00</u> |

| | |
|---------------------|----------|
| November 1 : | |
| C. D. Westbrook... | \$200 00 |
| J. O. Tobias | 200 00 |
| Chaffee | 75 00 |
| Tibbits | 50 00 |
| Gillespie | 50 00 |
| J. B. Westbrook ... | 50 00 |

| | |
|---------------------|--------|
| November 15 : | |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias | 200 00 |
| Chaffee | 75 00 |
| Tibbetts | 50 00 |
| Gillespie | 50 00 |
| J. B. Westbrook.... | 50 00 |
| J. W. O'Neill | 30 00 |
| Harrigan (Nov. 24). | 20 00 |
| J. W. O'Neill, " .. | 10 00 |

| | |
|-------------------|-------------------|
| Total for month.. | <u>\$1,380 00</u> |
|-------------------|-------------------|

| | |
|---------------------|----------|
| December 1 : | |
| C. D. Westbrook... | \$200 00 |
| J. O. Tobias | 200 00 |
| Chaffee | 75 00 |
| Tibbetts | 50 00 |
| Gillespie | 50 00 |
| J. B. Westbrook... | 50 00 |
| J. W. O'Neill | 30 00 |
| Harrigan (Jan. 12). | 20 00 |
| J. W. O'Neill " ... | 10 00 |

| | |
|----------------------|--------|
| December 15 : | |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias | 200 00 |
| Chaffee | 75 00 |
| Tibbits | 50 00 |
| Gillespie | 50 00 |
| J. B. Westbrook | 50 00 |

| | |
|---------------------|--------|
| January 15 : | |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias | 200 00 |
| Thomas Chaffee.... | 75 00 |
| Tibbetts | 50 00 |
| J. W. O'Neill | 30 00 |
| Harrigan | 20 00 |
| J. W. O'Neill | 10 00 |

| | |
|-------------|-------------------|
| Total | <u>\$1,355 00</u> |
|-------------|-------------------|

This makes fifteen dollars differ-

ent from my account. I will examine the vouchers and explain it at the next meeting.

| | |
|---------------------|---------|
| January 1, 1878 : | |
| Harrigan... | \$20 00 |
| J. W. O'Neil | 10 00 |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias | 200 00 |
| Chaffee | 75 00 |
| Tibbetts | 50 50 |
| J. B. Westbrook... | 50 00 |
| J. W. O'Neill | 30 00 |
| Harrigan (Feb. 9).. | 20 00 |

| | |
|-------------------------------|--------|
| February 15 : | |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias | 200 00 |
| Chaffee | 75 00 |
| Tibbetts | 50 00 |
| Gillespie | 50 00 |
| J. B. Westbrook.... | 50 00 |
| Gillespie | 50 00 |
| J. B. Westbrook... | 50 00 |
| J. W. O'Neill (Jan. 26) | 30 00 |
| R. Harrigan (Jan 26) | 20 00 |

| | |
|----------------------------------|-------------------|
| Making total for the month | <u>\$1,390 00</u> |
|----------------------------------|-------------------|

For the payment of the last twenty dollars to R. Harrigan I will produce a voucher. This exceeds the amount stated in report, thirty dollars.

| | |
|-------------------------------|----------|
| February 1 : | |
| C. D. Westbrook... | \$200 00 |
| J. O. Tobias | 200 00 |
| Chaffee | 75 00 |
| Tibbetts | 50 00 |
| Gillespie | 50 00 |
| J. B. Westbrook.... | 50 00 |
| Harrigan (March 16) | 20 00 |
| J. W. O'Neill March 16) | 30 00 |

| | |
|------------------------------------|-------------------|
| Making a total for the month | <u>\$1,330 00</u> |
|------------------------------------|-------------------|

The account for March is short twenty dollars, correct by the ledger, but short in the report.

| | |
|-----------------------------------|------------|
| J. W. O'Neill..... | \$30 00 |
| <hr/> | |
| Making a total for the month..... | \$1,330 00 |

| | |
|--------------------|----------|
| March 1: | |
| C. D. Westbrook... | \$200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee..... | 75 00 |
| Tibbetts..... | 50 00 |
| Gillespie..... | 50 00 |
| J. B. Westbrook... | 50 00 |
| J. W. O'Neill..... | 30 00 |

| | |
|--------------------|--------|
| March 15: | |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias | 200 00 |
| Chaffee..... | 75 00 |
| Tibbetts..... | 50 00 |
| Gillespie..... | 50 00 |
| J. B. Westbrook... | 50 00 |

| | |
|----------------------|--------|
| April 1: | |
| Harrigan..... | 20 00 |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee | 75 00 |
| Tibbetts..... | 50 00 |
| Gillespie | 50 00 |
| J. B. Westbrook ... | 50 00 |
| J. W. O'Neill..... | 30 00 |
| Harrigan (April 13). | 20 00 |

| | |
|---------------------|--------|
| April 15: | |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee | 75 00 |
| Tibbetts | 50 00 |
| Gillespie | 50 00 |
| J. B. Westbrook.... | 50 00 |
| J. W. O'Neill..... | 30 00 |

| | |
|-----------------------------------|------------|
| Making a total for the month..... | \$1,350 00 |
| <hr/> | |

Q. I will produce the receipt for the last payment to Richard Harrigan?

| | |
|-----------------------------|---------|
| Gillespie,..... | \$50 00 |
| J. B. Westbrook ... | 50 00 |
| J. W. O'Neill | 30 00 |
| Harrigan (April 11). | 20 00 |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee | 75 00 |
| Gillespie..... | 50 00 |
| J. B. Westbrook... | 50 00 |
| J. W. O'Neill | 30 00 |
| R. Harrigan (April 25)..... | 20 00 |

In June I made the following payments:

| | |
|---------------------------------|----------|
| C. D. Westbrook... | \$200 00 |
| J. O. Tobias | 200 00 |
| Chaffee | 75 00 |
| Gillespie | 50 00 |
| J. B. Westbrook.... | 50 00 |
| Harrigan (June 8).. | 20 00 |
| C. D. Westbrook (June 15) | 200 00 |
| J. O. Tobias (June 15) | 200 00 |
| Chaffee (June 15).. | 75 00 |
| Gillespie (June 15). | 50 00 |
| J. B. Westbrook (June 15) | 50 00 |
| Harrigan (June 27). | 20 00 |

In September I made the following payments:

| | |
|--------------------|---------|
| Harrigan | \$20 00 |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias | 200 00 |

By Mr. MOSES:

Q. Mr. Tobias, your statement of the amounts paid in the several months do not agree with the report made in July 1878, for December, January and March, can you explain where that deficiency arises?

A. The amounts stated are are the amounts paid during these several months; but the amount in the report, is the amount of the pay-roll for the previous month

irrespective of whether paid that month or the succeeding.

April 27 :

Harrigan \$20 00

Q. What were the amounts of money actually paid out by you in May 1878, both for the pay-roll of April and a portion of the pay-roll of May? Answer: C. D. Westbrook..... \$200 00

J. O. Tobias..... 200 00

Chaffee 75 00

Tibbetts 50 00

In July I made the following payments:

C. D. Westbrook ... \$200 00

J. O. Tobias 200 00

Chaffee 75 00

Gillespie 50 00

J. B. Westbrook ... 50 00

R. Harrington (July

6)..... 20 00

C. D. Westbrook... 200 00

J. O. Tobias..... 200 00

Chaffee ... 75 00

Gillespie 50 00

J. B. Westbrook... 50 00

R. Harrigan 20 00

In August I made the following payments

C. D. Westbrook... \$200 00

J. O. Tobias..... 200 00

Chaffee 75 00

Gillespie 50 00

J. B. Westbrook.... 50 00

R. Harrigan..... 20 00

C. D. Westbrook.... 200 00

J. O. Tobias..... 200 00

Chaffee..... 75 00

Gillespie 50 00

J. B. Westbrook ... 50 00

R. Harrigan..... 20 00

In November I made the following payments:

C. D. Westbrook ... \$200 00

J. O. Tobias..... 200 00

Chaffee 75 00

Gillispie 50 00

J. B. Westbrook ... 50 00

R. Harrigan..... 20 00

C. D. Westbrook... 200 00

J. O. Tobias..... \$200 00

Chaffee 75 00

Gillispie 60 00

J. B. Westbrook ... 50 00

Harrigan 20 00

In October I made the following payments :

C. D. Westbrook... \$200 00

J. O. Tobias..... 200 00

Chaffee 75 00

Gillispie 50 00

J. B. Westbrook... 50 00

R. Harrigan..... 20 00

C. D. Westbrook... 200 00

J. O. Tobias..... 200 00

Chaffee 75 00

Gillispie 50 00

J. B. Westbrook ... 50 00

R. Harrigan..... 20 00

In January, 1879, I made the following payments:

C. D. Westbrook... \$200 00

Gillispie 50 00

J. B. Westbrook ... 50 00

R. Harrigan..... 20 00

C. D. Westbrook... 200 00

J. O. Tobias 200 00

Chaffee 75 00

Gillispie 50 00

J. B. Westbrook ... 50 00

R. Harrigan..... 20 00

In December I made the following payments:

C. D. Westbrook... \$200 00

J. O. Tobias..... 200 00

Chaffee 75 00

Gillispie 50 00

J. B. Westbrook... 50 00

R. Harrigan..... 20 00

C. D. Westbrook... 200 00

J. O. Tobias 200 00

Chaffee 75 00

Gillispie 50 00

J. B. Westbrook... 50 00

R. Harrigan..... 20 00

In March I made the following payments:

C. D. Westbrook... \$200 00

J. O. Tobias 200 00

Chaffee 75 00

Gillispie 50 00

| | |
|--------------------|---------|
| J. B. Westbrook... | \$50 00 |
| R. Harrigan..... | 20 00 |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee | 75 00 |
| Gillispie | 50 00 |
| J. B. Westbrook... | 50 00 |
| R. Harrigan..... | 20 00 |

In February I made the following payments :

| | |
|--------------------|----------|
| C. D. Westbrook... | \$200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee | 75 00 |
| Gillispie | 50 00 |
| J. B. Westbrook... | 50 00 |
| R. Harrigan..... | 20 00 |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee | 75 00 |
| Gillispie | 50 00 |
| J. B. Westbrook... | 50 00 |
| R. Harrigan..... | 20 00 |

In May I made the following payments :

| | |
|--------------------|----------|
| J. O. Tobias | \$200 00 |
| Chaffee | 75 00 |
| Gillispie | 50 00 |
| J. B. Westbrook... | 50 00 |
| R. Harrigan..... | 20 00 |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee | 75 00 |
| Gillispie | 50 00 |
| J. B. Westbrook... | 50 00 |
| R. Harrigan | 20 00 |
| R. Harrigan | 20 00 |

In April I made the following payments :

| | |
|--------------------|----------|
| C. D. Westbrook... | \$200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee | 75 00 |
| Gillispie | 50 00 |
| J. B. Westbrook... | 50 00 |
| R. Harrigan | 20 00 |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee | 75 00 |
| Gillispie | 50 00 |
| J. B. Westbrook... | 50 00 |
| Harrigan | 20 00 |

In July I made the following payments :

| | |
|--------------------|----------|
| C. D. Westbrook... | \$200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee..... | 75 00 |
| Gillispie..... | 50 00 |
| J. B. Westbrook... | 50 00 |
| Harrigan | 20 00 |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias | 200 00 |
| Chaffee..... | 75 00 |
| Gillispie..... | 50 00 |
| J. B. Westbrook... | 50 00 |
| Harrigan | 20 00 |

In June I made the following payments:

| | |
|--------------------|----------|
| C. D. Westbrook... | \$200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee..... | 75 00 |
| Gillispie..... | 50 00 |
| J. B. Westbrook... | 50 00 |
| Harrigan..... | 20 00 |
| C. D. Westbrook... | 200 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee..... | 75 00 |
| Gillispie | 50 00 |
| J. B. Westbrook... | 50 00 |
| Harrigan..... | 20 00 |
| J. O. Tobias..... | 200 00 |
| Thomas Chaffee.... | 75 00 |

(During the summer I reduced expenses by discharging some of the clerks temporarily.)

| | |
|-------------------|---------|
| R. Harrigan..... | \$20 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee..... | 75 00 |
| Gillispie..... | 50 00 |
| Harrigan | 20 00 |

In the month of August I made the following payments:

| | |
|-------------------|----------|
| J. O. Tobias..... | \$200 00 |
| Chaffee..... | 75 00 |
| Gillispie | 50 00 |
| Harrigan..... | 20 00 |
| J. O. Tobias..... | 200 00 |
| Chaffee..... | 75 00 |
| Gillispie..... | 50 00 |
| Harrigan..... | 20 00 |

In September I made the following payments:

| | |
|--------------------|---------|
| Harrigan..... | \$20 00 |
| J. O. Tobias | 200 00 |
| Gillispie..... | 50 00 |
| C. D. Westbrook... | 200 00 |

| | | | |
|--------------------|---------|--------------------|----------|
| Chaffee..... | \$75 00 | J. O. Tobias..... | \$200 00 |
| Harrigan..... | 20 00 | C. D. Westbrook... | 100 00 |
| J. O. Tobias..... | 200 00 | Chaffee..... | 75 00 |
| C. D. Westbrook... | 100 00 | Gillispie..... | 50 00 |

(His salary was then reduced to one hundred dollars per month.)

| | |
|----------------|---------|
| Chaffee..... | \$75 00 |
| Gillispie..... | 30 00 |
| Harrigan..... | 20 00 |

In October I made the following payments:

| | |
|--------------------|----------|
| J. O. Tobias..... | \$200 00 |
| C. D. Westbrook... | 100 00 |
| Chaffee..... | 75 00 |
| Gillispie..... | 50 00 |
| Harrigan..... | 20 00 |
| J. O. Tobias..... | 200 00 |
| C. D. Westbrook... | 100 00 |
| Chaffee..... | 75 00 |
| Gillispie..... | 50 00 |
| Harrigan..... | 20 00 |

In November I made the following payments:

| | |
|--------------------|--------|
| Harrigan..... | 20 00 |
| J. O. Tobias..... | 200 00 |
| C. D. Westbrook... | 100 00 |
| Chaffee..... | 75 00 |
| Gillispie..... | 50 00 |
| Harrigan..... | 20 00 |

In the month of December I made the following payments:

| | |
|--------------------|----------|
| J. O. Tobias..... | \$200 00 |
| C. D. Westbrook... | 100 00 |
| Chaffee..... | 75 00 |
| Gillispie..... | 50 00 |
| Harrigan..... | 20 00 |
| J. O. Tobias..... | 200 00 |
| C. D. Westbrook... | 100 00 |
| Chaffee..... | 75 00 |
| Gillispie..... | 50 00 |
| Harrigan..... | 20 00 |

I have not charged in my account the salaries for the last two weeks in December, as I paid it in January. Making a grand total paid out by the receiver for salaries for the two and a half years, \$34,846.65 (receipts for which amounts are here produced and handed, with the exception of the ones specially mentioned in the testimony.

Adjourned to January 22, at 11 A. M.

January 22d, 1880.

Parties meet and proceed.

Mr. J. O. Tobias' examination continued.

Examined by Mr. R. J. MOSES, Jr.

Q. Mr. Tobias, I see you have been drawing at the rate of about four hundred dollars per month? Yes, sir.

Q. The \$280 in July covered the period from the tenth of July to the thirty-first at the rate of four hundred dollars a month? A. Yes, sir.

Q. Are you a member of the bar? A. I am, sir.

Q. How long have you been a member of the bar. A. Twenty-five or twenty-seven years.

Q. At the time you accepted this appointment were you engaged in the practice of the law in this city? A. I was, sir.

Q. With whom? A. With Mr. O'Neill.

Q. Has this trust required your entire attention or a portion of it? A. My entire attention.

Q. It has resulted then, practically, in the abandonment of your business? A. The entire abandonment of all business except this.

Q. What positions have you previously held? A. I have been clerk

of the courts in the city of Philadelphia — clerk of the District Court and clerk of Oyer and Terminer.

Q. How long since? A. Before I came to New York ; I have been in New York ten years.

Q. Have you been engaged in practice here for ten years? A. Yes, sir ; here and in Philadelphia.

Q. Your salaries and fees in these offices amounted to about how much? A. At times more than double I am now getting ; I have made as high as twenty thousand dollars a year.

Q. Does the business of the receivership require your attention the whole of the business hours, and how much? A. I have devoted more than the business hours ; I have devoted all holidays to business ; I have devoted many Sundays and many evenings. I am always the first at the office and the last one there.

Q. Have you done anything for the trust, by reason of your qualifications as an attorney, that an ordinary layman would not have been able to have done? A. I think I have, a vast amount.

Q. During this period? A. Yes, sir ; a vast amount of law business, which would otherwise have required the assistance of an attorney.

Q. Are there any particular matters you can specify? Give some items? A. In the first place, I have drawn leases and rented property without charge for legal services or for commissions ; I have settled various cases ; when I say I have settled them, I mean I have compromised them, ready for the court to make its order ; I have drawn up assignments and satisfactions, and a large quantity of legal business in various ways, which, if the person was not an attorney, would be absolutely necessary to employ counsel to do.

Q. Your statement is a little general about satisfactions, assignments, etc. Can you make it any more definite? A. I have a case in point right before me ; in the mortgage of Stephen Lusk ; the matter had been placed in the hands of attorneys for foreclosure, before we entered upon the discharge of our duties as receiver. The mortgage was for nine thousand dollars ; at the rate property was then selling at that time, by no possibility would it have brought over the sum of five thousand dollars ; there was an accrued interest on it of three years. Through an arrangement which I made with the parties, by my throwing off six months interest, I got them to pay the balance of the interest and three thousand dollars upon the principal of the mortgage, thereby at least saving about four thousand five hundred dollars to the trust, and of which no fees were ever paid to anybody.

Q. I referred more particularly to matters of legal business, if there was any, such as satisfaction, assignments, drawing papers, etc., that you have done? A. I cannot give them more specifically, but in all cases where there has been an assignment or satisfaction made, I have done it instead of the attorneys, there has been a large number since I have been there.

Q. Those are all mortgages, etc. ? A. Yes sir, all have been done by me.

Q. In what manner and by whom was your rate of compensation fixed ; was it by agreement between you and Mr. O'Neill? A. By the agreement between Mr. O'Neill and myself and the attorneys, Mr. Cullen.

Q. That amount was agreed to at the time you first entered upon your duties? A. Yes sir, I did not know what I had to do, or I would not have agreed to any such thing.

Q. Please state in detail what your duties are in the conduct of this business? A. I have the entire charge of the receipts and disbursements. I have entire charge of the clerical force, always with the approbation and after consulting with the receiver.

Q. But the initiatory steps are taken by you in the hiring and discharging of clerks, etc? A. Yes sir, after consultation with the receiver. I also act as auctioneer and sell all sales of property out of the city of New York, free of expense. The receiver as well as I attend to the personal supervision of any repairs, or expense to be attended to for any property belonging to the trust, under my immediate supervision. I attend the passing of all titles, without cost or expense.

Q. Then as to the matter of correspondence? A. I have answered as many as one hundred and fifty letters a day, besides attending to the other duties of the trust.

Q. And you personally attend all the time at the receiver's office? A. I personally attend all the time.

Q. The next, C. D. Westbrook, by whom was he employed? A. Employed by the receiver.

Q. How was his salary fixed? A. Was fixed by the receiver and with the approbation of the counsel, and after the consultation with the counsel.

Q. Do you include yourself in the consultation? A. I do not know that I was consulted about that.

Q. At the opening of the receivership, was it? A. Yes, sir.

Q. The first voucher you put in here from C. D. Westbrook was for eight hundred dollars, covering the period as stated, for the months of June and July? A. For the months of June and July.

Q. Did you personally know of the services performed by him previous to the 10th of July? A. Did not know them personally, no sir.

Q. The only services included in that receipt, therefore, of which you can give personal testimony, is from the tenth of July to the first of August? A. Yes, sir.

Q. Do you know the general nature of the previous services rendered, for which that receipt is put in? A. Only through hearsay.

Q. From whom? A. Mr. Cullen.

Q. Starting from the time you know of, what services has Mr. Westbrook performed, for which this four hundred dollars has been paid per month? A. The general examination of the books of the company, and he was a very good one at that.

By GENERAL WINGATE:

Q. What do you mean by the examination of the books of the company? A. To examine all the books in regard to how the policy accounts stood — the condition of the books.

Q. The tracing out and investigation of all the transactions of the company from its origin, and endeavoring to detect all possible irregularities, and explain what did not appear to be correct on investigation? A. Yes, sir.

Q. Is that a difficult or easy task? A. Very difficult, and he has devoted a good deal of time to it; he is as fine an expert as there is in the city of New York.

By REFEREE:

Q. Was it necessary to employ a stranger to do that work? A. It was necessary, or we would not have done that.

By GENERAL WINGATE:

Q. Why was it necessary to employ a stranger? A. We had no confidence with anybody already connected with the company, for we knew at that time that the book-keeper and cashier had both been paid a certain amount of money for interlineations and erasures, etc., of the books.

By REFEREE:

Q. Did you find them? A. Yes, sir, they each received five thousand dollars and the books were incorrect in many particulars.

By GENERAL WINGATE:

Q. There had been many fraudulent and irregular transactions connected with the company? A. Yes, sir.

Q. Were these disclosed by the books, or had an attempt been made to cover them up? A. They were disclosed by the books, but there had been attempts to cover them up.

Q. They were discovered by the assistance of, and an investigation such as Colonel Westbrook made? A. Yes, sir.

Q. The subordinate clerks in the office of the Continental had been kept in ignorance in regard to these matters, and it was only such clerks and employes as were considered by the receiver to be connected with the transactions, that knew about them; consequently it was necessary for the receiver to have some expert to make a thorough examination of the books, to enable him to understand how the matters stood? A. Yes, sir.

Q. That has been his main business? A. Yes, sir, my experience has been pretty large, and I consider Colonel Westbrook a most competent man for this examination.

Q. In the examination which was made by Colonel Westbrook, do you remember whether he examined into the account between the Continental Life and the New Jersey Mutual, and got up the vouchers and other matters bearing upon that? A. Yes, sir.

Q. As to how far he examined the matters relating to the prior receivership? A. Yes, sir, he made a thorough examination of those.

Q. In reference to the claim of the Continental Life upon the Southern Life? A. Yes, sir, he made a thorough examination of that.

Q. Has he kept the books — the ledger or cash books? A. He has kept the ledger and always examined my accounts to verify them.

Q. How often do you have your accounts examined? A. Every month; I always verify them in case of accident.

Q. Since the fall, how far has he acted as actuary in the examination

of registers? A. For two months before the payment of the dividend; where other insolvent companies have paid many thousands of dollars for actuary calculations, I have had them made free of expense by our own clerks, except with the addition of two persons for a short period.

Q. My question was whether Colonel Westbrook had done any thing in aiding with those? A. Yes, sir; he with the others have worked to verify these calculations, of which the receiver has never paid a cent.

Q. Has he personally made any of these calculations? A. Yes, sir; he verifies them after they are made by others; the original calculations were made by Chandler and by McAdam, and Colonel Westbrook went over and varified those calculations with the assistance of Mr. Chaffee and others.

Q. For that service you have been paying him since the fall two hundred dollars a month? A. Yes, sir.

Q. The time you paid him four hundred dollars was at the time this examination had to be made? A. Yes, sir; he was a general-utility man and he was constantly employed.

By MR. MOSES:

Q. Mr. Chaffee — you paid him one hundred and fifty dollars a month? A. Yes, sir.

Q. What position did he occupy and what was the necessity for his employment? A. Mr. Chaffee came with the Continental Life Insurance Company when the Empire was merged into the Continental, and he was familiar with all the papers and policy claims of the Empire and the Continental.

Q. Were there any other companies which were amalgamated with the Empire, and re-insured in the Continental? A. Yes, sir; "Farmers' and Mechanics," "American," "Teutonic," and the "Prudentia."

Q. Did the books disclose, or had you any reason to suppose Mr. Chaffee in any way connected with the frauds, carried on in the Continental? A. Decidedly not.

Q. What was his position in the Continental, so far as you are informed? A. For the examination of and charge of the death claims.

Q. Nothing to do with the books of payment, or receipts of money? A. Nothing; Mr. Chaffee is an invaluable man, and his compensation is small for his services, in my estimation.

Q. Has his knowledge of the offsets and condition of death claims against the Continental ever been of service to the company? A. Of great value.

Q. Has he personally attended to and prepared lists of policies as to which rejections should be made by the receiver? A. He has, sir; practically the original examination of all claims filed, and the determination as to whether objections should or should not be made to their payment in the first instance is made by Mr Chaffee.

Q. The obtaining of evidence, taking it from the filed letters and records of the company, is made by whom? A. Made by Mr. Chaffee; and I should say these are always submitted to the receiver and myself.

Q. In the examination of these books there are, first, how many registers—policy registers? A. I will say twenty on a rough guess; they are fully six inches thick, twenty-four inches long and about eighteen inches wide; we have to take out every morning at least a ton of books out of the safe in order to enable us to transact our business, all of which are in constant use.

Q. Besides the policy books, there are the books containing the statements of policies; there are applications on some twenty thousand policies? A. Yes, sir.

Q. These have to be examined whenever a claim is disputed? A. Yes, sir.

Q. And there are different premium registers, agents' accounts—how many agents' books containing agents' accounts are there? A. About twenty.

Q. Each large general agency has a separate book containing its account, showing the particular policies upon which premiums had been paid, and those which were returned in order to determine accurately whether the premium had been upon the policy, you had first to go to the different premium books and if there was a dispute about it, the agent's separate books would have to be examined? A. Yes, sir.

Q. There are also books known as mercantile books, cash journals and ledgers, and many books of the corporation? A. Yes, sir; and large numbers of letter books, which are consulted daily.

Q. Can you give me some idea of the number of letter books? A. Two hundred and fifty, about.

Q. This examination as to claims is made by Mr. Chaffee, initiatory, as to separate policy claims? A. Yes, sir.

Q. The examination to which you have referred as being made by Mr. C. D. Westbrook, are those in reference to claims held by the company against other companies and individuals, are they? A. Yes, sir.

Q. Has Mr. Chaffee done any work in comparing and verifying the actual value of the policies? A. Yes, sir.

Q. Do you remember to what period he made that examination and verification? A. Up to 1873; the end of the year.

Q. What salary had he been receiving from the Continental Life prior to its failure? A. I do not know; but I think it was three thousand or twenty-five hundred.

Q. Is his salary a moderate one? A. In my opinion I consider it a very moderate one.

Q. Mr. Tibbetts was employed for some time? A. Yes, sir.

Q. What was the occasion for employing him? A. When we first entered upon the discharge of our duties there was an immense number of applications to find out how they should present their claims; Mr. Tibbetts attended to that branch of the business, received policies and gave receipts.

Q. Each policy had to be filed? A. Yes, sir; and indorsed on the back the address of the parties, stamped and put in numerical order in its place.

Q. Then the correspondence, did he attend to sending receipts? A. Yes, sir; in sending receipts, not in the correspondence.

Q. After the close of the policies was he discharged or was he con-

tinued? A. Toward the close as the business slackened, the force was reduced.

Q. What relation is Colonel Westbrook to Judge Westbrook?
A. Brother.

Q. You also employed Mr. James W. O'Neill for a portion of the time; what services did he perform, and what relation is he to the receiver in this action? A. Son of the receiver, and he assisted Mr. Tibbits and others in the receipting of claims, giving receipts, filing the same and general utility.

Q. His pay was? A. Fifteen dollars a week.

Q. How old a person is he? A. He was twenty-three.

Q. Did he attend regularly at the office? A. Yes, sir.

Q. Performed the duties required of him? A. Yes, sir, at a moderate salary.

Q. By whom was his salary fixed? A. By the receiver; the receiver was rather loth to take him, but I thought I could get him at such a reasonable rate, I employed him.

Q. Do you know what salary he had been getting previously?
A. Never been getting any salary — just a graduate of college.

By REFEREE:

Q. How many hours a day was he there? A. From nine to four o'clock; after the business decreased, I discharged him.

By Mr. MOSES:

Q. You also employed a gentleman by the name of Gillispie?
A. Yes, sir.

Q. How old a man is he? A. About fifty-five years of age.

Q. What has been his duty there? A. Assisting in the correspondence, receiving and filing all claims and general utility.

Q. Did you discharge him at any time? A. Yes, sir, in the summer when the business was dull; but as business increased again, I found it necessary to re-employ him; he is an invaluable man, and at a very moderate salary.

Q. His salary is what? A. One hundred dollars a month.

Q. The messenger you paid ten dollars a week? A. Yes, sir.

Q. You also employed for a portion of the time J. B. Westbrook?
A. Yes, sir.

Q. What relation is he to Judge Westbrook? A. His nephew.

Q. What services did he perform? A. He assisted C. D. Westbrook, and general utility.

Q. Assisted Colonel Westbrook in what? A. In the examinations that were made; the reason why I make use of the word, general utility, is, at times we would have to send out various notices, to file their claims in a certain period, and we have sent out as many as twenty thousand notices, ten thousand to _____ and ten thousand to insured. That occupies a great deal of time; as we sent them out, we had to keep a record of them in a book, showing the messenger by whom they were dispatched, and that he deposited them in the post-office, in accordance with the order of court.

By General WINGATE:

Q. Do we understand you that whenever it was necessary to do a lot of work that suddenly sprang up, everybody turned in and helped?

A. Everybody, myself, receiver and everybody.

By Mr. MOSES:

Q. Did you retain him after the close of the examination of these accounts? A. No, sir, we discharged him as soon as we got through with his services.

Q. How old a person is he? A. About twenty-five years of age.

Q. Do you know whether he has been in business before? A. I think he is an engineer; a civil engineer.

Q. You do not know of any salary position he has previously occupied? A. No, sir; do not doubt but that he has occupied such.

Q. In your judgment the amount paid him was proper or improper. What would you say as to the amount paid him? A. I think the amount paid him was just.

Q. As to the necessity for his service as an aid to Colonel Westbrook? A. Yes, sir.

Q. Is he a son of C. D. Westbrook? A. No, sir.

Q. I think there was a Mr. O'Neill also employed? A. Yes, sir.

Q. For how long a time? A. Some three months as boy.

Q. How much was paid him? A. Three dollars a week.

Q. How old is he? A. He was about seventeen.

Q. Were his services necessary at that time? A. Yes, sir.

Q. Did he attend and personally perform his duties? A. Yes, sir; I think every one has since the receiver has been in office; we have paid nothing but to persons who have actually performed the work, and there have been no sinecures there in any way.

By Mr. PARKER:

Q. What men did you have in your employ on the 31st day of December, 1879? A. C. D. Westbrook, J. O. Tobias, C. A. Gillispie, Thomas Chaffee, Richard Harrigan; these were the regular men; I had temporary on the dividend account G. W. Crofut, L. McAdam, A. Gilmour, Charles W. McDonnell.

Q. What salaries were you paying these men monthly, respectively, at that time? A. C. D. Westbrook, two hundred dollars; J. O. Tobias, four hundred dollars; C. Gillespie, one hundred dollars; T. Chaffee, one hundred and fifty dollars; R. Harrigan, ten dollars per week; on the dividend account as follows: G. W. Crofut, one hundred dollars; L. McAdam, one hundred dollars; A. Gilmour, fifteen dollars per week; C. W. McDonnell, three dollars per week.

Q. The last four persons you have named you employed temporarily? A. Yes, sir.

Q. For what purpose? A. For the purpose of assisting in the numerical arrangement of the dividend account and assisting in the payment of the same.

Q. Did you know these last four persons before you employed them? A. I knew Mr. Crofut; the others I did not; they were strangers to me.

Q. Had you any knowledge of their fitness for this work? A. Oh, yes, sir; Mr. Crofut was recommended to me by Mr. Work; Mr. McAdams is well known as a thorough actuary; Mr. Gilmour was recommended to me by Mr. Moses, and he loaned him to me temporarily; and Mr. McDonnell was sent to me by his father, who was formerly an agent of the company.

By Mr. WORK:

Q. Mr. Crofut had formerly been in the employ of the company? A. Yes, sir; very responsible and entirely familiar with the business, and I think he got five thousand dollars a year with the old company; and I only gave him twelve hundred a year; I never met men who do their duties more faithfully and are more reliable.

By Mr. PARKER:

Q. What caused the immediate necessity for these last four men? A. After the decision of the Court of Appeals, which we got September 27th, 1879, which was made in the Security Life Insurance Company, the receiver and myself had a very great ambition that we would start and pay before the parties for whom the opinion was rendered; and therefore we started with a rush, and we have been paying since November first, and the Security has not started to pay yet.

Q. How long was it prior to that, that you reduced your force, of which you have testified? A. During all the summer; during all the previous summer.

Q. Did you not take off some after the first of September? A. I think not, sir; this expert help I employed for dividend purposes were necessary, as the old hands would not have been competent. It requires persons with peculiar ability in regard to dividend matters.

By Mr. MOSES:

Q. Did the report of the referee state the amount which was to be paid to each individual, or only the principals? A. Only the principal of which the payments were to be made; my expert help had to make the calculations.

Q. Before any policies could be paid, it was necessary to get the actual real value of the reserve; then ascertain if there had been any deferred premiums or loans, and calculate the interest upon the loans and deferred premiums. A. Yes, sir; which were all entered on the back of the policies as well as in the premium registers.

Q. Those had to be verified? A. Yes, sir, had to be verified, as we paid upon these values entirely.

Q. How far were your books verified up—ready for payment—at the time the order was made? A. Do not consider any of them ready for payment at that time; in the registers the fifteen per cent. had not been calculated, that was not made until some time afterward.

Q. The actual values of the policies had been checked up to about 1873? A. Yes, sir.

Q. After that it was necessary to have the balances verified and check the loans, deferred premiums, interest accounts, premium allowances and calculations? A. Yes, sir.

By Mr. PARKER:

Q. You credit the receiver with the payment of \$2,007.97 under the head of expense account? A. Yes, sir.

Q. Have you the vouchers for those expenses, stating to whom paid, the amount, and for what purpose? A. I have, sir.

Q. Produce them? A. Here they are, sir.

August 4. Voucher 4½:

National Printing Company, for printing..... \$37 25

August 6. Voucher 6:

Law Telegraph Company..... 10 70

August 21. Petty Cash..... 77 70

[I will produce the petty cash book.]

August 28:

New York National Exchange Bank, for cost of a check book..... 5 00

August 29. Voucher 16:

H. Anstice & Co., for stationery..... 5 15

August 29. Petty cash..... 14 20

[I will produce the petty cash book.]

September 7. Voucher 19:

Law Telegraph Company 20 83

September 8. Voucher 20:

National Printing Company..... 26 75

October 1. Voucher 27:

Post-office box..... 4 00

October 1. Voucher 28:

National Printing Company..... 19 75

October 7. Voucher 29:

Law Telegraph..... 20 83

October 16. Voucher 41:

New York Gas Light Company..... 8 00

October 29. Petty cash..... 87 50

[I will produce the cash book.]

November 1. Voucher 54:

Law Telegraph Company 21 41

November 7. Voucher 55:

Foster & Eppley, for stationery..... 5 88

November 21. Receipt book:

J. W. O'Neill, for expenses to Philadelphia..... 20 00

December 1. Voucher 64:

National Printing Company, for stationery 8 75

December 1. Voucher 65:

Foster & Eppley 5 30

December 1. Voucher 70:

Law Telegraph Company 21 80

December 4. Voucher 71:

E. Wells Sacket, for stationery 50 50

December 6. Voucher 73:

D. & C. Durham, for ice 28 weeks, at 40 cents per week 11 20

December 14. Voucher 76:

New York Gas-Light Company..... 4 75

December 29. Petty cash..... 35 65

[Assem. Doc. No. 134.]

[I now produce the petty cash book.]

[I also produce the items of the petty cash, referred to in my former testimony.]

[Produced and stamped by referee.]

January 2, 1878. Voucher 84:

| | |
|----------------------------|--------|
| Post-office box rent | \$4 00 |
|----------------------------|--------|

January 3. Voucher 86:

| | |
|-----------------------------|-------|
| Law Telegraph Company | 21 33 |
|-----------------------------|-------|

January 12. Voucher 91:

| | |
|---------------------------------------|------|
| Foster & Eppley, for stationery | 2 90 |
|---------------------------------------|------|

January 26. Voucher 77:

| | |
|---|------|
| C. D. Westbrook, expenses to Albany | 6 68 |
|---|------|

| | |
|------------------------------|-------|
| January 31. Petty cash | 18 58 |
|------------------------------|-------|

February 8. Voucher 108:

| | |
|---------------------------------------|------|
| Foster & Eppley, for stationery | 1 98 |
|---------------------------------------|------|

February 1. Voucher 101:

| | |
|-----------------------------|-------|
| Law Telegraph Company | 21 08 |
|-----------------------------|-------|

February 26. Voucher 109:

| | |
|--|------|
| Tibbett's expenses to Plainfield | 3 80 |
|--|------|

This trip to Plainfield was in regard to the company's property; he went for the purpose of examining the condition and seeing to the water-pipes and ejecting tenants.

| | |
|-------------------------------|-------|
| February 28, petty cash | 33 40 |
|-------------------------------|-------|

Q. What are the general items composing your petty cash? A. Matches, stamps, postal cards, additional postage, post-office key, advertisements, pens, brushes, soap, etc.

Q. How does your petty cash compare with the petty cash of the former receivers? A. About one-tenth.

March 1. Voucher 115:

| | |
|-----------------------------|---------|
| Law Telegraph Company | \$16 09 |
|-----------------------------|---------|

March 1. Voucher 116:

| | |
|---------------------------------------|------|
| Foster & Eppley, for stationery | 9 80 |
|---------------------------------------|------|

| | |
|----------------------------|-------|
| March 30, petty cash | 18 25 |
|----------------------------|-------|

April 1. Voucher 124:

| | |
|-----------------------------|-------|
| Law Telegraph Company | 15 00 |
|-----------------------------|-------|

April 3. Voucher 126:

| | |
|----------------------------|------|
| Post-office box rent | 4 00 |
|----------------------------|------|

| | |
|----------------------------|-------|
| April 30, petty cash | 17 50 |
|----------------------------|-------|

May 2. Voucher 135:

| | |
|-------------------------|------|
| Gas-Light Company | 4 25 |
|-------------------------|------|

May 3. Voucher 137:

| | |
|---------------------------------------|------|
| Foster & Eppley, for stationery | 2 75 |
|---------------------------------------|------|

May 3. Voucher 138:

| | |
|-------------------------------|------|
| E. & C. Durham, for ice | 8 40 |
|-------------------------------|------|

May 4. Voucher 142:

| | |
|-----------------------------|-------|
| Law Telegraph Company | 15 00 |
|-----------------------------|-------|

| | |
|--------------------------|-------|
| May 31, petty cash | 17 95 |
|--------------------------|-------|

June 1. Voucher 166:

| | |
|-----------------------------|-------|
| Law Telegraph Company | 15 00 |
|-----------------------------|-------|

June 1. Voucher 167:

| | |
|---|------|
| J. O. Tobias, expenses to Plainfield in reference to company's property | 4 25 |
|---|------|

| | |
|--|--------|
| June 10. Voucher 168 : | |
| E. Wells Sackett & Bro., for stationery..... | \$3 45 |
| June 10. Voucher 169 : | |
| Foster & Eppley, for stationery..... | 3 13 |
| June 18. Voucher 175 : | |
| Trow City Directory Company..... | 5 00 |
| June 28. Voucher 177½ : | |
| Tobias' expenses | 4 25 |
| July 1st. Voucher 178: | |
| Post-office box rent..... | 4 00 |
| July 6. Voucher 181: | |
| Law Telegraph Company | 15 00 |
| July 6. Voucher 183: | |
| E. Wells Sackett & Bro..... | 1 20 |
| July 9. Petty cash..... | 13 75 |
| July 22. Voucher 187: | |
| New York Gas Light Company..... | 3 50 |
| August 2. Voucher 195: | |
| E. Wells Sackett & Bro., for printing | 8 25 |
| August 17. Voucher 198: | |
| Law Telegraph Company..... | 15 00 |
| August 31. Petty cash..... | 18 60 |
| September 5. Voucher 204: | |
| Law Telegraph Company | 15 00 |
| September 30. Petty cash..... | 9 10 |
| October 1. Voucher 210: | |
| Post-office box rent..... | 4 00 |
| October 5. Voucher 212: | |
| New York Gas Light Company.... | 4 00 |
| October 5. Voucher 213: | |
| E. Wells Sackett & Bro..... | 6 25 |
| October 31. Petty cash | 18 47 |
| November 2. Voucher 224: | |
| Law Telegraph Company..... | 30 00 |
| November 4. Voucher 225: | |
| E. Wells Sackett & Bro., for stationery..... | 9 00 |
| November 9. Voucher 228: | |
| D. & C. Durham, for ice | 18 00 |
| November 30. Petty cash ... | 15 75 |
| December 2. Voucher 235: | |
| New York Gas Light Company..... | 3 25 |
| December 4. Voucher 237: | |
| Law Telegraph Company | 15 00 |
| December 5. Voucher 242: | |
| Postal cards and printing..... | 7 00 |
| December 31. Petty cash..... | 16 00 |
| January 2, 1879. Voucher 249: | |
| Post-office box rent..... | 4 00 |
| January 4. Voucher 251: | |
| Law Telegraph Company..... | 15 00 |
| January 31. Petty cash | 11 70 |

| | |
|---|--------|
| February 1. Voucher 255 : | |
| Gas bill for office..... | \$4 00 |
| February 1. Voucher 256 : | |
| E. Wells Sackett & Bro., for stationery..... | 96 65 |
| This includes five thousand postal cards and a check book with government stamps. | |
| February 21. Voucher 261 : | |
| Law Telegraph Company..... | 15 00 |
| February 27, petty cash..... | 15 60 |
| March 3. Voucher 266 : | |
| E. Wells Sackett & Brother, for stationery..... | 46 70 |
| This includes thirty-five hundred postal cards. | |
| March 4. Voucher 267 : | |
| Law Telegraph Company..... | 15 00 |
| March 31, petty cash..... | 19 72 |
| April 1. Voucher 277 : | |
| New York Gas Light Company..... | 3 75 |
| April 1. Voucher 279 : | |
| Post office box rent..... | 4 00 |
| April 11. Voucher 281 : | |
| Law Telegraph Company..... | 15 00 |
| April 30, petty cash..... | 13 50 |
| May 5. Voucher 284 : | |
| Durham, ice bill..... | 13 00 |
| May 5. Voucher 285 : | |
| T. G. Sellew..... | 4 25 |
| May 9. Voucher 286 : | |
| E. W. Sackett & Brother, for stationery..... | 4 65 |
| May 16. Voucher 293 : | |
| Law Telegraph Company..... | 15 00 |
| May 31, petty cash..... | 18 15 |
| June 2. Voucher 301 : | |
| New York Gas Light Company..... | 3 50 |
| June 5. Voucher 314 : | |
| Law Telegraph Company..... | 15 00 |
| June 5. Voucher 308 : | |
| E. Wells Sackett & Brother, for stationery..... | 14 75 |
| June 21. Voucher 311 : | |
| Trow city Directory Company..... | 5 00 |
| July 1. Voucher 313 : | |
| Post-office box rent..... | 4 00 |
| July 5. Voucher 314 : | |
| Law Telegraph Company..... | 15 00 |
| July 7. Voucher 315 : | |
| E. Wells Sackett & Brother, for stationery..... | 20 75 |
| July 9, petty cash..... | 25 31 |
| August 1. Voucher 321 : | |
| E. Wells Sackett & Brother, for stationery..... | 2 50 |
| August 1. Voucher 322 : | |
| New York Gas Light Company..... | 3 15 |

| | |
|--|---------|
| August 7. Voucher 326 : | |
| Law Telegraph Company | \$15 00 |
| August 30, petty cash | 33 14 |
| September 8. Voucher 339 : | |
| E. Wells Sackett & Brother, for stationery | 3 00 |
| September 21. Voucher 344 : | |
| Law Telegraph Company | 15 00 |
| September 30, petty cash | 12 65 |
| October 2. Voucher 349 : | |
| Post-office box rent | 4 00 |
| October 3. Voucher 350 : | |
| New York Gas Light Company | 2 25 |
| October 25. Voucher 361 : | |
| Law Telegraph Company | 15 00 |
| October 27. Voucher 362 : | |
| Expenses to Hudson city | 6 50 |
| October 31, petty cash | 12 00 |
| November 3. - Voucher 366 : | |
| D. & C. Dunham, for ice | 9 10 |
| November 16. Voucher 367 : | |
| Law Telegraph Company | 15 00 |
| November 29, petty cash | 4 63 |
| December 8. Voucher 376 : | |
| E. Wells Sackett & Brother, for stationery | 26 30 |
| December 12. Voucher 379 : | |
| Law Telegraph Company | 15 00 |
| December 15. Voucher 380 : | |
| J. O. Tobias, expenses to Kingston to attend court | 7 50 |
| December 18. Voucher 383 : | |
| New York Gas Light Company | 4 35 |
| December 20. Voucher 385 : | |
| Collins & Hall, for copying | 10 83 |
| December 31, petty cash | 12 85 |
| [Vouchers and petty cash book for each of the above amounts produced and marked by referee.] | |

By Mr. MOSES :

Q. Your petty cash for August which amounted to \$33.14, give all the items composing it ? A. That comprised the petty cash expenses for one and a half months, from July 10 to the 31st, of August. That includes postage stamps, \$3.00 additional postage, by that I mean letters not having full postage sixty-five cents. Having box made for the purpose of placing books to attend court at Rochester, fifty-five cents, matches twenty-five cents, express from Rochester for the above named books \$1.75, twine fifteen cents, pens fifty cents, postage stamps \$3, five hundred postal envelopes \$16.40, writing paper fifty cents, postage \$3, portorage fifty cents, telegram to Governor Parker, of New Jersey Mutual, twenty-seven cents, mucilage twenty-five cents, two cent postage stamps \$2, soap thirty-seven cents, making a total of \$33.14.

Q. Are your items for the other months of the same general character as these you have read? A. The same general character.

Q. The items you have called off so far only amount to the sum of \$1,733.52, so that there is a difference between that amount and the amount stated in your general balance for expenses, to-wit, \$2,007.97, of \$274.45; of what does this balance consist, and where is your voucher for it? A. The balance consists of disbursements and expenses of Wingate & Cullen for which I produce voucher, amounting to \$274.45.

(Voucher F stamped by referee.)

Q. Is that the same item as referred to in your return for July 10, 1878, under the separate heading of Wingate & Cullen? A. Yes, sir.

Q. Then I understand that the expense account is made up in your report for the whole period, from July 10, 1877, to December 31, 1879, includes the items heretofore stated as expenses, in the reports for 1878 and 1879 and the item stated in the report of 1878 under the head of Wingate & Cullen? A. Yes, sir.

By Mr. PARKER:

Q. You credit the receiver with the sum of \$2,820.52 as expenses connected with the fire insurance; have you the vouchers for that amount? A. I have, sir.

Q. Will you produce the vouchers, and say to whom and for what purpose the amounts were paid? A. I have them here, sir, and now produce them.

August 22. Voucher 13 :

| | |
|---|---------|
| Home Insurance Company, for insurance on premises covered by mortgage No. 225, less discount..... | \$18 50 |
|---|---------|

August 22. Voucher 12:

| | |
|---|------|
| German American Insurance Company, for insurance on premises covered by mortgage 166..... | 7 50 |
|---|------|

August 22 :

| | |
|---|------|
| Continental Insurance Company, on premises covered by mortgage No. 3..... | 7 50 |
| and mortgage No. 352..... | 9 00 |

| | |
|--|-------|
| Howard Insurance Company, for insurance in the Sanger Insurance Company on property covered by mortgage No. 163..... | 15 00 |
|--|-------|

| | |
|---|-------|
| Lucas Insurance Company, for insurance on property covered by mortgage No. 173..... | 17 50 |
|---|-------|

| | |
|---|-------|
| For insurance on Simpson property, covered by mortgage No. 227..... | 20 00 |
|---|-------|

| | |
|---|-------|
| For insurance on the Commercial National bank at Saratoga, covered by mortgage No. 229..... | 16 00 |
|---|-------|

| | |
|--|-------|
| For insurance on Anderson property, covered by mortgage No. 172..... | 50 00 |
|--|-------|

| | |
|---|-------|
| For insurance on Burnett property, covered by mortgage No. 173..... | 21 00 |
|---|-------|

| | |
|--|------|
| For insurance on Baydon property, covered by mortgage No. 302..... | 3 15 |
|--|------|

For insurance on Wakeman property, covered by mortgage No. 174..... \$30 00

Total, less discount, amounting to \$169.44, in connection with the mortgage 166, and with mortgage 174 of insurance in the German American Insurance Company.

August 28. Voucher 15:

Continental Insurance Company, for insurance on property covered by mortgages 231 and 302..... \$31 28

August 30. Voucher 17:

For insurance paid to Kings County Insurance Company, for insurance on property covered by mortgage 227..... 13 60

September 24. Voucher 25:

Importers' and Traders' Insurance Company, for insurance on premises covered by mortgage 61..... 8 95

Home Insurance Company, for insurance on property at Yonkers, covered by mortgage No. 72, Oct. 10; voucher is contained in check book; Mr. Olmstead paid it, and we paid him.... 51 00

I received from Mr. Olmstead by mistake on October 1, the sum of \$51.00 for fire insurance premium on bond and mortgage No. 72; it was afterwards ascertained that this was a mistake, that the premium was not due until October, 1878. I charged myself with it as cash, on page 20 of the cash book under date of October 1; it was returned to Mr. Olmstead on October 10, and I claimed a credit for returning it, and it is entered upon page 23 of the cash book under date of October 10. What was returned to him was the check he sent to us.

October 11. Voucher 40:

National British and Mercantile Insurance Company, for insurance on property covered by mortgage No. 177.. \$38 25

October 11. Voucher 42:

Pennsylvania Fire Insurance Company, for insurance on property covered by mortgage 178..... 7 80

November 1. Voucher 51:

Home Fire Insurance Company, for insurance on property covered by mortgage 196..... 5 10

November 1. Voucher 49:

Continental Fire Insurance Company, for insurance on property covered by mortgage 123..... 25 00

November 1. Voucher 50:

Home Fire Insurance Company, for insurance on property covered by mortgage No. 123..... 51 00

November 1. Voucher 52:

German American Insurance Company, for insurance on property covered by mortgages Nos. 177, 271, 193 and 47..... 35 70

November 1. Voucher 56:

Westchester Fire Insurance Company, for insurance on property covered by mortgage 124..... 14 00

December 1. Voucher 66:
 German American Insurance Company, for insurance on premises covered by mortgages Nos. 108, 128, 82, 198 and 2. No. 82, Getty property; No. 2, company's property; mortgages 128, 192 and 108, making a total amount of \$128.75, less discount of \$15.70, making the net total..... \$113 05

Q. Did you place this \$15.70 to the credit of the fund? A. I did, sir.

Q. The amount which is here mentioned as discount in this voucher?
 A. Yes, sir, I did in all instances.

December 1:
 Home Fire Insurance Company, for insurance on properties covered by mortgages Nos. 129, 196 and 192... \$39 10
 [Voucher 67, \$3.40; voucher 68, \$10.20; voucher 69, \$25.50.]

December 11. Voucher 75:
 Fayette P. Brown, fire insurance on property covered by mortgage 121..... 32 00
 [This is for money paid twice and returned by receiver.]

December 14. Voucher 82:
 Westchester Fire Insurance Company, for insurance on premises covered by mortgage 34 10 00
 January 28, 1878. Voucher 99:
 Home Fire Insurance Company, for insurance on property owned by the receiver.... 21 25

February 1. Voucher 102:
 Paid Empire City Fire Insurance Company for insurance on premises covered by mortgage 112..... 10 63
 February 1. Voucher 103:
 Paid German American Fire Insurance Company, for insurance on premises covered by mortgages 189, 124, 318, 196, 129, 130 and 50.... 108 60

March 1. Voucher 111:
 Paid same company for insurance on premises covered by mortgage 198..... 6 38

March 1. See voucher 112:
 For insurance on property covered by mortgage 112.... 21 25

March 1. Voucher 113:
 Paid Continental Fire Insurance Company, for insurance on property covered by mortgages 278 and 287..... 17 71

March 2. Voucher 117:
 Paid German American Insurance Company, for insurance on premises covered by the mortgages Nos. 316, 353, 143 and 314..... 74 80

March 15. Voucher 118½:
 Home Fire Insurance Company, for insurance on property covered by mortgage 187..... 17 00

April 3. Voucher 125:
 German American Insurance Company, for insurance on

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| premises covered by the mortgages Nos. 216, 119, 27 and 351..... | \$81 52 |
| April 8. Voucher 127: | |
| North American Fire Insurance Company, for insurance on premises covered by mortgage 178..... | 10 00 |
| April 16. Voucher 128: | |
| Continental Fire Insurance Company, for insurance on premises covered by mortgage 52..... | 20 40 |
| April 26. Voucher 131: | |
| Relief Fire Insurance Company, for insurance on property at West End, New Jersey, \$25.00, less discount, April 26. Voucher | 21 25 |
| German American Insurance Company, on company's property, covered by mortgages 314, 190, 243, 157, 136 and 189, \$107.00, less a discount of \$16.05, total of | 90 95 |
| May 4. Voucher 141: | |
| Ætna Fire Insurance Company, for insurance on property covered by mortgage 62..... | 16 83 |
| May 6. Voucher 144: | |
| German American Insurance Company, for insurance on property covered by mortgage No. 299..... | 6 38 |
| May 6. Voucher 145: | |
| Insurance on premises covered by mortgage No. 54..... | 23 38 |
| May 6. Voucher 146: | |
| German American Insurance Company, for insurance on premises covered by mortgage No. 54..... | 25 50 |
| May 6. Voucher 147: | |
| Gebhard Fire Insurance Company, for insurance on premises covered by mortgage No. 54..... | 23 38 |
| May 6. Voucher 148: | |
| Home Fire Insurance Company, for insurance on premises covered by mortgage 54..... | 25 50 |
| May 9. Voucher 151: | |
| Republic Fire Insurance Company, for insurance on premises covered by mortgage 120..... | 10 20 |
| May 10. Voucher 153: | |
| German American Insurance Company, for insurance on premises covered by mortgages 112, 165 and 61, Rogers property 162, company's property 9..... | 81 60 |
| May 11. Voucher 155: | |
| Same company, mortgage 352..... | 7 65 |
| May 21. Voucher 159: | |
| Same company, mortgage 58..... | 27 20 |
| May 22. Voucher 160: | |
| Home Fire Insurance Company, for insurance on premises covered by mortgage No. 313..... | 5 95 |
| June 19. Voucher 171: | |
| German American Insurance Company, premises covered by mortgage 227..... | 17 00 |
| June 19. Voucher 172: | |
| Williamsburg and Mercantile Insurance Company, on premises covered by mortgage 227..... | 11 90 |

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| June 21. Voucher 176: | |
| German American Insurance Company, on premises covered by mortgage 227..... | \$13 60 |
| July 2. Voucher 180: | |
| Same company, on premises covered by mortgages 288, 289 and 173..... | 39 70 |
| Adjourned to January 28, at 11 A. M. | |

TUESDAY, *February* 10, 1880.

Parties meet and proceed. Mr. Work not having arrived, the reference proceeds subject to his right to all objections.

Mr. J. O. Tobias' examination continued by Mr. A. B. PARKER:

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| July 20, 1878. Paid Continental Fire Insurance Company, voucher 186 ... | \$25 20 |
| July 26. German American Insurance Company, voucher 190..... | 43 35 |
| July 26. German American Insurance Company, voucher 192, on mortgages Nos. 174 and 175..... | 47 50 |
| [Voucher 192 is disarranged. I will furnish it before next meeting.] | |
| August 7. Knickerbocker Fire Insurance Company, for insurance on premises covered by mortgage 111, voucher 196..... | \$62 50 |
| August 7. Transatlantic Fire Insurance Company, on same premises, voucher 196..... | 62 50 |
| July 26. German American Fire Insurance Company, for insurance premiums on premises covered by mortgage 81, voucher 190..... | 15 00 |
| September 14. Paid Pennsylvania Fire Insurance Company, for insurance premiums on premises covered by mortgage 175, voucher 207..... | 7 50 |
| October 3. Paid German American Fire Insurance Company, for insurance on premises covered by mortgages 179, 116 and 94, voucher 211..... | 59 50 |
| October 8. Home Fire Insurance Company, for insurance on premises covered by mortgage 317, voucher 214..... | 8 00 |
| October 8. German American Insurance Company, for insurance on premises covered by mortgages 21, 75, 108 and 125, voucher 215..... | 103 75 |
| October 9. Continental Fire Insurance Company, for insurance on premises covered by mortgage 123, voucher 216..... | 30 00 |
| October 14. Home Fire Insurance Company, for insurance covered by mortgage 196, voucher 218..... | 9 85 |
| October 24. German American Insurance Company, for insurance on premises covered by mortgage 192, voucher 221..... | 84 00 |

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| November 4. North British Insurance Company, for insurance on premises covered by mortgage 56, voucher 226..... | \$16 00 |
| November 11. German American Insurance Company, mortgages 96 and 128, voucher 229..... | 31 50 |
| November 15. German American Insurance Company, mortgage 52, voucher 230..... | 22 80 |
| November 26. Home Fire Insurance Company, mortgages 129 and 192, voucher 234..... | 42 00 |
| December 4. German American Insurance Company, mortgages 34 and 130, voucher 238..... | 20 00 |
| December 6. London, Liverpool and Globe Insurance Company, mortgage 68, voucher 243..... | 40 00 |
| December 27. German American Insurance Company, mortgage 196, voucher 246..... | 32 00 |
| December 24. German American Insurance Company, mortgage 129, voucher 247..... | 12 00 |
| March 1. German American Insurance Company, mortgages 221, 351 and 353, voucher 263..... [I will produce the voucher.] | 62 90 |
| March 18. Empire City Insurance Company, mortgage 112, voucher 271..... | 4 25 |
| In this case the bill was \$5.00, and there was 75 cents commission, which I deducted from the face of the voucher, instead of crediting it as I have done in all the other cases where vouchers have been produced to-day. | |
| March 20. London, Liverpool and Globe Insurance Company, mortgage 68, voucher 273, discount of \$5.25 was credited..... | 35 00 |
| March 25. H. C. Chapin, voucher 274..... | 5 43 |
| March 27. German American Insurance Company, mortgage 190, voucher 275..... | 30 00 |
| April 7. North American Insurance Company, mortgage 178, voucher 280..... | 10 00 |
| May 13. German American Insurance Company, mortgages 299, 352, voucher 288, discount of \$2.47 is credited..... | 16 50 |
| July 22. German American Insurance Company, mortgages 269, 303, 309, 302 and 173, voucher 319, discount of \$17.78 is credited..... | 51 90 |
| August 12. Continental Fire Insurance Company, mortgages 302 and 309, voucher 330..... | 18 90 |
| August 12. German American Insurance Company, mortgages 111, 174, 227 and 293, voucher 331, a rebate of \$12 being credited..... | 80 00 |
| September 12. Pennsylvania Insurance Company, mortgage 178, voucher 341..... | 7 50 |
| September 26. German American Insurance Company, mortgages 96, 103 ¹ , 103, 101, 97 and 99, voucher 346..... | 45 00 |

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| October 16. Home Fire Insurance Company, mortgage 196, voucher 353..... | \$10 00 |
| October 13. Home Fire Insurance Company, mortgage 227, voucher 355 (voucher 355 should be in the North British Insurance Company and not in the "Home") [On mortgage 227 there is a discount of \$2.10, which is credited.] | 14 00 |
| October 23. German American Insurance Company, mortgages 21, 108, 75 and 125, voucher 358; discount of \$14.05 being credited..... | 93 75 |

Q. Making the total amount paid out for fire insurance premiums, as appears by vouchers marked, how much? A. \$2,820.52 from the tenth day of July, 1877, to December 31, 1879.

Q. You also credit yourself with the sum of \$456.49 under the head of expenses of real estate; have you vouchers for those amounts? A. I have, sir.

Q. To whom were they paid; those amounts paid? A. They were paid to — the first one — voucher 365, was paid to James Lyon for the return of the amount deposited by him with the receiver as a guarantee that he would bid forty-nine hundred dollars on the Flagg property at Plainfield, New Jersey, the same being returned on account of another party bidding a higher price, namely, forty-nine hundred and seventy-five dollars. This amount of two hundred and fifty dollars was credited to the real estate account of the company's property, and returned after the property was sold to another person. The amount was credited in the cash-book at page 192. The next is voucher 377, taxes on the Rogers property, which had accumulated, \$127.71. Voucher 378, taxes on the Pennington property belonging to the company, situated at Plainfield, New Jersey, and which had accumulated at the time that the receiver took title, \$78.78.

Making a total of \$456.49 charged to real estate.

By Mr. MOSES:

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| Q. On what page of the cash book have you charged yourself with the discount on the following vouchers? A. Voucher 214, page, 110 | \$1 20 |
| Voucher 215, page 110..... | 15 55 |
| Voucher 216, page 110..... | 5 62 |
| Voucher 218, page 112..... | 1 47 |
| Voucher 226, page 116..... | 2 40 |
| Voucher 229, page 120..... | 4 72 |
| Voucher 230, page 120..... | 3 42 |
| Voucher 234, page 122..... | 630 00 |
| Voucher 238, page 124..... | 3 00 |
| Voucher 243, page 126..... | 6 00 |
| Voucher 246, page 130 | 4 80 |
| Voucher 247, page 130 | 1 80 |
| Voucher 263, page 146..... | 21 18 |
| Voucher 273, page 148..... | 5 25 |
| Voucher 275, page 150..... | 9 30 |
| Voucher 288, page 162..... | 2 47 |

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| Voucher 319, page 178..... | \$17 78 |
| Voucher 330, page 180..... | 14 92 |
| Voucher 331, page 180..... | 12 00 |
| Voucher 346, page 188..... | 8 55 |
| Voucher 353, page 194..... | 1 50 |
| Voucher 355, page 194..... | 2 10 |
| Voucher 358, page 194..... | 14 05 |

[I will produce voucher number 146.]

Q. The amounts actually paid out by you have been the amounts of the vouchers less these several credits? A. Yes, sir.

By Mr. PARKER :

Q. Mr. Tobias, the receiver has incurred no additional expenses in connection with his trust excepting for counsel fees and expenses?

A. No, sir, no expense of any kind.

Q. Are there any claims for expenses of any nature now in litigation in reference to this trust? A. There are, sir.

Q. Claims of what nature? A. A claim of John J. Anderson, for services rendered as receiver, for twenty thousand dollars.

Q. He was the first receiver of the Continental? A. The first receiver of the Continental.

Q. Did he receive any compensation for his services while such receiver? A. I think not, sir.

Q. How long was he receiver? A. About three months, sir.

Q. Did he give bonds? A. He did; but he was afterward ordered to file new bonds and failed, and another receiver was appointed in his place.

Q. What action has the present receiver taken in reference to his claim? A. The present receiver has opposed his claim.

Q. Is it in process of litigation? A. Yes, sir; in process of litigation.

Q. What shape is it in? A. It is now before a referee, and has been for a long while.

Q. Who appears on behalf of the receiver on the hearing before the referee? A. Mr. Work appears on behalf of the receiver, and also appears on behalf of certain intervening policy-holders; Mr. Moses appears on behalf of certain other intervening policy-holders, but has no connection with the receiver.

Q. How long has the hearing been pending before the referee? A. Nearly two years, sir.

Q. Who is the referee? A. Mr. Charles H. Winfield.

Q. What is your objection to Mr. Anderson's claim? A. We think the trust was not properly administered.

Q. Is there any thing further than that? A. Yes, sir.

Q. What? A. There are large amounts—quite an amount—of Government bonds that were not properly returned to the trust, not returned at all to the trust.

Q. Was that a part of your defense, that he has practically paid himself? A. Yes, sir, and is in debt to the trust.

Q. Are there any other suits pending against the receiver? A. I do not know of any particular ones; I shall have to refer you to the

counsel, and leave him to answer that; there is a claim of Mr. Moses for forty-five hundred dollars.

Q. Is the claim of Mr. Moses in process of trial? A. I think it is, sir.

Q. Before a referee? A. Before a referee; also there are a large number of claims in relation to matters affecting the receivership, which are now being heard before Mr. Dayton, the referee. There is a claim of Mr. Fairbanks, stenographer, a bill of nine hundred and odd dollars.

Q. What is being done with the stenographer's bill? A. That was heard yesterday and closed. There are claims for legal services in some other States, which have not been liquidated, which are of small amounts.

Q. You speak of the fact that there were a large number of references pending before Mr. Dayton, and has been for some time? A. Yes, sir.

Q. What are the nature of those references? A. To pass upon the validity of policy claims.

Q. How many has he passed upon? A. Since the commencement.

Q. Yes? A. About seventeen thousand.

Q. Those seventeen thousand policies or claims upon which he passed were not contested by the receiver? A. Yes, sir.

Q. Was there any evidence taken in those cases before the referee? A. No, sir, that is, on over fifteen thousand of them there was no evidence.

Q. On what evidence did he determine whether those were substantial claims against the company? A. I handed them to his clerk to take a copy of the names and amounts, etc.

Q. Then practically you yourself, after making an investigation for the purpose of ascertaining what claims ought to be allowed, turned them over to him? A. Yes, sir, of all claims that we did not think were disputed; of all policies that were marked valid in our books at the time of the company's failure.

Q. He simply sanctioned, then, your action? A. Precisely, sir.

Q. Is there any evidence for him to revise on? A. None whatever, sir.

Q. That was a little over fifteen thousand of these seventeen thousand? A. I should think so — that is a rough calculation.

Q. How about the balance — the nature of the balance? A. The nature of the balance required much more attention. They were call "lapsed policies," death claims, persons who died before and since the insolvency of the company, in accordance with the ruling of the Court of Appeals — judgments in other States or death claims — he has those before him; and I guess that is pretty much the nature of the claims that he has passed upon. There are claims on policies that have been disputed by the receiver, that have been brought before Mr. Dayton, for the purpose of trial as to their validity.

Q. In how many of those cases has testimony been taken? A. I could not tell you, sir; I did not always attend. In the "lapsed policies," I believe there was considerable testimony taken. I did not attend in regard to the "lapsed policies." I did in regard to the death claims.

Q. How many "lapsed policies" were there submitted to him?

A. I do not know, sir.

Q. When did he commence taking testimony in reference to "lapsed policies"? A. He commenced to take evidence in regard to "lapsed policies" about four or five months afterward; that would make it the following May.

Q. In all those "lapsed policies," did he have to take testimony? A. I do not know that they have to take it.

Q. Did they? A. I do not know, sir; by "lapsed policies" I mean those cases where the receiver claims that the policy, by reason of non-payment of premium, has lapsed; and that the claimant insists that the facts of his particular case prevent there being a legal lapse.

Q. Are you paying dividends to parties as fast as they appear? A. Yes, sir.

Q. On demand? A. On demand.

Q. And have been so for how long? A. I guess we have been so now for about two weeks; but we have been paying dividends since the twenty-eighth day of October, but on demand for about two or three weeks.

Q. Why did you not pay on demand then? A. Because we had to make up our calculations in accordance with the opinion of the Court of Appeals, and until they had given their decision upon what basis we were to pay, it was a matter of impossibility to arrange our books by which we could pay before that time.

Q. After commencing to pay a dividend, did you make any preference in paying? A. None; excepting in paying in numerical order; the reason of that was, we started at number one to make the values, and as the values were made, we commenced to pay.

Q. Did you or the receiver, or any one in his employ, instruct parties that it was necessary to employ attorneys in regard to getting their dividends? A. Decidedly no, we always sent them notices just the reverse of what you mention.

Q. Have you taken any pains, to inform them that it was not necessary to employ an attorney? A. Yes, sir, by publication and by postal cards and letters; in fact, in every letter that was sent to us asking us if it was necessary to employ an attorney, we took great pains to inform them that it was not necessary.

Q. Notwithstanding that a vast number have appeared by attorneys, have they not? A. Yes, sir.

Q. As to the selection of attorney, and as to whether they should appeal by attorney or not, has the receiver or yourself ever had any thing to do with it? A. Nothing whatever.

Q. Knew nothing about the understanding between the policy holders and their attorneys, as to what percentage they should receive? A. No, sir; except some of them insert in the power of attorneys, they are to receive five per cent.

Q. You have instances where there are appearances by attorney and also by power of attorney? A. Yes, sir.

Q. Has the receiver in his employ at this time any other attorneys, except the firm of Wingate & Cullen? A. No sir, except that Mr. Work appears in the Anderson case, and Mr. Ashbel Green, who appears in the New Jersey matters.

By Mr. MOSES:

Q. In what manner did you require proof of claim to be presented on the policy, by the presentation of the policy itself? A. Yes, sir.

Q. And last receipt? A. Not on all occasions, the last receipt. We ask for the production of the last receipt for the benefit of the claimant. If the books do not show that the last premium was paid, and parties will show us the receipt, we take it as a valid claim.

Q. Then on each policy being received by you, you compare it with the books of the company, and receive it as valid? A. And if so, we give them a receipt for it.

Q. The report you refer to as the fifteen thousand claims, are simply a list of these undisputed claims that appear valid? A. That is the policies themselves; we had to examine them to see if they were valid.

Q. Compared with the policies on file in your office? A. Yes, sir; compared with the books, not the policies.

Mr. WORK arrives.

Mr. MOSES, continues the examination.

Q. Mr. Tobias, you charged yourself with the sum of \$269,283.21 as received from William R. Grace; have you a copy of your receipt? A. Yes, sir.

Q. That consists of the four items in "Exhibit A" of that date? A. Yes, sir.

Q. You charged yourself with \$1,001.17 to July 9, 1878; from what source was that rent received? A. From Bashford for rent of company's property in Yonkers.

Q. How much? A. \$358.50.

Q. How much property was there? A. We owned several properties that came to us from the former receiver.

Q. At what rate is the rent? A. I do not know; the statement will show.

Q. What statement? A. Bashford's to us.

Q. Please give me the items and dates composing the entry of \$1,001.17, which you have charged yourself, as miscellaneous rents, in your report for 1878? A. July 14, 1877, Bashford, \$122; December 8, 1877, Bashford, \$98; January 7, 1878, Bashford, \$138.30; February 28, 1878, return taxes, \$317.82.

Q. What is that on? A. Taxes on Mattocks and Mason of Chicago. It was in return for a check that was sent December 28, for taxes on the Picket property in Chicago, which said amount was returned to us on account of an informality; therefore it is charged as amount received, \$317.82.

Q. The other items composing that amount? A. March 27, rent from McCrea of Yonkers, \$25.85; June 21, 1878, rent from Harmer on Macon street property, \$80; June 27, 1878, from Butler, agent of Flagg property, \$50; July 8, 1878, from Butler on Yonkers property, \$169.

Q. These are the amounts composing that item? A. Yes, sir.

Q. From July 8, 1878, to July 9, 1879, \$133.35? A. May 16, 1878, rent of Chandler property at Yonkers, a single item, \$33.35.

Q. Between July 10, 1879, and December 31, 1879, you have charged yourself in miscellaneous rents, \$364.75; what are the items composing that? A. Return premium on Saratoga property, \$4.75; August 12, rent of the Chandler property, \$200; August 28, for the sale of a boiler at East Newark, \$150; September 12, for other materials sold at East Newark, \$10.

[Intermission.]

Parties meet and proceed:

Q. Please state the items composing or embraced in the general item of \$20,825.50, as receipts from the Continental building to the 9th of July, 1878; these are rents of the several offices, are they? A. Yes, sir: those are rents of the several offices connected with the building.

Q. And cover what period? A. A period from the time we took possession, the 10th of July, 1877.

Q. At what rate were the different offices rented in that building? A. That was for 1877 and 1878.

Q. 1877 and 1878? A. Shearman & Sterling, July 17, \$450.

Q. That is for what period of time? A. Rent due the first of the previous May.

Q. How long a period? A. A quarter.

Q. The next item? A. Converse & Lyman.

Q. How much? A. A quarter's rent, \$125, due May 1, date in the book July 20; the next is July 22, Osborne & Budlong, \$100 a quarter; the next is Grant & Lydecker, July 23, \$100 a quarter; July 23, Gardner & Stillwell, \$375 a quarter; August 1, Parker Handy, \$625 a quarter; Archibald Turner, \$250 for a quarter's rent; H. Villard, \$250, a quarter's rent; H. Kittell, \$100, a quarter's rent; George Opdyke, \$1,000, a quarter's rent; Silliman & Farnsworth, \$100 a quarter; E. S. Walker, \$300, a quarter's rent; Thomas C. Durant, \$200, a quarter's rent; Cold & Kingsford, \$400, a quarter's rent; Collins & Co., \$125, a quarter's rent; Gillett & Stiger, \$175, a quarter's rent; H. S. McComb, \$200, a quarter's rent; Betts, Atterbury & Betts, \$300 a quarter; Fourth National Bank, divisional rent, \$400.50.

Q. Please explain that? A. Is paid one-half by the Fourth National bank for rooms in the hall-way, half on the dividing line.

Crosby & Kent, \$375, a quarter's rent.

Silas Seymour, \$100, a quarter's rent.

Q. Those are contracts entered into prior to the receivership of Mr. O'Neill? A. Yes, sir.

Q. And you simply collected under the previous contracts? A. Yes, sir.

Q. Now take the year 1878 — for the twelve months ending July 9, 1879 — you have charged yourself with \$27,823.48 on the Continental building account? A. Yes, sir.

Q. The rent in that year seems to have increased seven thousand and odd dollars. In what did that increase consist? A. Partly raising of the rents, and renting rooms that had been vacant.

Q. Please specify what you received for the different rooms during that year? A. Gillett & Stiger, \$175 a quarter.

Winslow, Lanier & Co., \$13,000 a year.

[Assem. Doc., No. 134.] 35

Q. What was that for? A. For the old Continental offices.

Q. On what floor? A. First floor of Cedar and Nassau streets. The next is Hardy & Cranise, \$25,000 a year.

Q. Where is that? A. Basement.

Q. Same as occupied by Parker Handy? A. Yes, sir.

Q. At what rent? A. The same.

Stillwell, Gardner & Stillwell, \$1,200.

Q. What premises do they occupy for that? A. Second floor corner room.

Henry J. McComb, \$400.

Shearman & Sterling, \$1,600.

Q. Please specify the rooms they occupy? A. I have not got the number of the rooms.

Q. What floor are they on? A.

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| Shearman & Sterling, third floor; Gillett & Stiger, fourth floor..... | \$700 00 |
| Crosby & Kent, second floor. | 1,200 00 |
| Archibald Turner, basement..... | 1,000 00 |
| T. C. Durant, fourth floor..... | 400 00 |
| Converse & Lyman, fourth floor..... | 400 00 |
| Collins & Hall, fourth floor..... | 400 00 |
| H. Kittell, third floor..... | 300 00 |
| Osborn Budlong, fourth floor..... | 400 00 |
| Grant & Lydecker, third floor | 300 00 |
| Sillman & Farnsworth, fourth floor..... | 400 00 |
| H. Villard, third floor..... | 700 00 |
| Betts, Atterbury & Betts, third floor..... | 1,200 00 |
| Silas Seymour, fourth floor | 400 00 |
| Third National Bank, fourth floor..... | 150 00 |
| Fourth National Bank, divisional rent..... | 1,187 48 |
| Morgan Dayton, fourth floor..... | 396 00 |

Q. Are any of the amounts unpaid, or are they all collected?
A. Stillwell & Gardner, they are unpaid — we have a judgment against them.

Q. Have they paid any portion of the rent for that time? A. Not a cent.

Q. From July 10, 1879, to December 31, 1879, you charge yourself with \$12,670.33; what was the rent roll during that period — what change was made in the previous rentals, if any? A. There was some difference, some rents were reduced for a portion of the time.

Q. Please state which were reduced? A. There was another office given to Crosby & Kent without an increase of rent. The office of Stillwell & Gardner was rented to the United Petroleum Company.

Q. At how much? A. At \$750 a year. Shearman & Sterling were reduced to \$1,300. Betts, Atterbury & Betts had a vacant room added to them with an increase of \$200. Morgan A. Dayton had taken an office for \$600. H. Villard was reduced from \$1,000 to \$700. Thos. C. Durant from \$400 to \$350. Also Silas Seymour to \$350. That is all.

Q. Are any of those rents unpaid? A. No, sir.

Q. And they are payable at what periods? A. Oh yes; Morgan Dayton's office has some back rent due, they are payable quarterly.

Q. With that exception, they all are paid? A. No, Crosby & Kent owe a quarter.

Q. You charged yourself with miscellaneous profits to July 9, 1878, \$2,006.47. Please give me the items composing that? A. July 25, 1877, D. Hamilton for the collection of a post-office money order left with the concern \$37 00

Charles Grandesburger, for certifying copy of a policy .. 5 00

August 6, 1877, J. A. Freeman, for a draft of Ladd & Tilton, handed over among the assets, which was collected 29 50

August 22, commissions on fire insurance policies..... 27 24

August 30, United States Life Insurance Company for surrender of a re-insurance..... 148 64

October 16, from Equitable Life Insurance Company for surrender of value of policy 346 75

October 25, G. A. Watkins in settlement of a note..... 300 00

Q. He was an agent of the company? A. Yes, sir.

November 13, Albany Evening Journal difference between order of court and amount of bill..... 3 55

December 26, Cady & Oaks (same explanation) 26 00

December 1, commissions on fire insurance policies..... 15 70

December 4, E. Wells Sackett & Brother, sold old checks with government stamps..... \$50 83

March 9, Slater, sold a desk 12 00

March 11, sold a desk to McKenna..... 10 60

March 22, sale of furniture..... 964 66

Q. What furniture was that? A. In the old Continental office fixtures.

Q. To whom? A. A. Sold at public sale.

April 27, received from Anderson proceeds of a note collected by him 26 90

May 1st, R. E. Tibbetts, sale of old flooring..... 3 00

Q. From July 8, 1878 to July 9, 1879, you charged yourself with miscellaneous profits amounting to \$622.23; please give the items?

A. August 12, William Butler..... \$26 00

October 1st commissions on insurance premiums 8 92

October 3, General Wingate for stuffed eagle..... 5 00

October 8, commissions on fire insurance premiums 5 62

October 8, commissions on fire insurance premiums 1 20

October 8, commissions on fire insurance premiums 15 55

October 4, William Butler 20 50

October 14, commissions on fire insurance premiums ... 1 47

October 14, commissions on fire insurance premiums.... 2 40

October 11, commissions on fire insurance premiums... 4 72

October 15, commissions on fire insurance premiums ... 3 42

November 22, rent of Winfield property 60 00

Q. How is that a miscellaneous profit? A. Because we were not entitled to any rent at all ; because the property did not belong to us ; it was for rent pending foreclosure.

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| November 26, commissions on fire insurance premiums.. | \$6 30 |
| December 4, commissions on fire insurance premiums .. | 3 00 |
| December 6, commissions on fire insurance premiums.. | 6 00 |
| December 11, rent at Elizabethport | 29 23 |

[This is the same character as the above item of the Wakefield property.]

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| December 20, commission on fire insurance premiums.. | 4 80 |
| December 24, commission on fire insurance premiums.. | 4 80 |
| February 6, 1879, commission on fire insurance premiums | 3 75 |
| March 1, commission on fire insurance premiums..... | 21 18 |
| March 17, rents..... | 58 75 |
| March 20, commission on fire insurance premiums ... | 5 25 |
| March 27, commission on fire insurance premiums.... | 9 30 |
| May 13, commission on fire insurance premiums..... | 8 28 |
| May 20, leather box | 2 00 |
| May 23, commission on fire insurance premiums..... | 4 80 |
| July 1, interest of six per cent United States bonds | 300 00 |

(Previously explained.) That is all.

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| Q. From July 10, 1879 to December 31, 1879, you have charged yourself with miscellaneous profits \$988.50 ; of what does that consist ? A. July 18, Shaw, for rent of lot | \$5 00 |
| July 22, commission on fire insurance premiums..... | 17 78 |
| August 12, commission on fire insurance premiums.... | 14 92 |
| August 20, electrotpe plates..... | 11 00 |
| September 3, commission on fire insurance premiums.. | 1 50 |
| September 26, commission on fire insurance premiums.. | 8 55 |
| October 11, commission on fire insurance premiums.... | 1 50 |
| October 13, commission on fire insurance premiums.... | 2 10 |
| October 23, commission on fire insurance premiums.... | 26 65 |
| December 16, commission on fire insurance premiums.. | 4 50 |
| December 16, balance of sale of United States bonds over the cost price..... | 895 00 |

Q. Please explain the manner in which you make up the entry of \$895.00 for balance of sale ? A. On December 16 I sold one hundred thousand dollars worth of bonds, registered fours, and obtained for them \$102,375.00. ; they cost me \$101,480.00, so therefore I charged \$895.00 to miscellaneous profits, to make up the amount of \$102,375.00.

Q. You have charged yourself with the receipt of \$163,324.08 for bonds and mortgages to July 9, 1878 ; please give the number, name and amount of mortgage, and amount received and date comprising this item ? A. July 11, 1877, Davis bond and mortgage, 131..... \$5 00

This is for the principal of the mortgage, if there is any interest I charge it to the interest account.

| | |
|--|------------|
| July 11, Harding bond and mortgage, 44 | \$2,000 00 |
| July 14, Brevoort bond and mortgage, 37..... | 7,000 00 |
| July 18, Scandella bond and mortgage, 12 | 2,500 00 |

| | |
|---|------------|
| July 21, E. Burns bond and mortgage, 7..... | \$5,000 00 |
| July 24, Guthrie bond and mortgage, 1 | 1,400 00 |
| August 7, Dermody bond and mortgage, 67 | 1,000 00 |
| August 17, Perry bond and mortgage, 84..... | 2,500 00 |
| August 17, Curren bond and mortgage, 115 | 3,000 00 |
| August 22, Archibald bond and mortgage, 23..... | 6,000 00 |
| October 1, Wilbur bond and mortgage, 28 | 5,000 00 |
| October 16, Sutcliffe bond and mortgage, 161 .. | 3,500 00 |
| October 27, Moore bond and mortgage, 6 6 | 12,000 00 |
| December 1, Gardner bond and mortgage, 144 | 500 00 |
| December 6, Brown bond and mortgage, 121..... | 7,000 00 |
| December 13, Anderson bond and mortgage, 172..... | 5,000 00 |
| February 20, 1878, Putnam bond and mortgage, 268 ... | 1,500 00 |
| March 7, White bond and mortgage, 47..... | 5,000 00 |
| March 15, Sherwood bond and mortgage, 217..... | 1,142 00 |
| March 17, Morgan bond and mortgage, 88..... | 7,000 00 |
| March 16, Leon bond and mortgage, 271..... | 3,000 00 |
| March 16, Durrie bond and mortgage, 198..... | 4,000 00 |
| April 1, Edie bond and mortgage, 10..... | 1,000 00 |
| April 11, Dwight bond and mortgage, 181, 182, 184.... | 625 00 |
| April 2, Perry bond and mortgage, 296 | 2,087 80 |
| April 3, Langley bond and mortgage, 221 | 2,000 00 |
| April 13, Bradford bond and mortgage, 225..... | 4,268 90 |
| April 24, Lucus bond and mortgage, 73..... | 1,000 00 |
| May 1, Campbell bond and mortgage, 189 | 5,904 88 |
| May 1, Pooley bond and mortgage, 74 | 5,442 79 |
| May 1, Jones bond and mortgage, 239..... | 675 00 |
| May 2, Ryder bond and mortgage, 295..... | 5,700 00 |
| May 3, Dwight bond and mortgage, 181, 182..... | 2,969 56 |
| May 4, Sanger bond and mortgage, 163..... | 5,705 16 |
| May 4, Slade, bond and mortgage, 318 | 3,344 64 |
| May 10, Youmans bond and mortgage, 58..... | 500 00 |
| May 13, Proseus bond and mortgage, 165 | 6,000 00 |
| May 15, Oakley, bond and mortgage, 316 | 3,166 23 |
| May 20, Child, bond and mortgage, 197.... | 3,000 00 |
| May 25, Lusk, bond and mortgage, 58..... | 2,500 00 |
| May 29, Eaton, bond and mortgage, 62..... | 1,500 00 |
| June 1, Halenbeck, bond and mortgage, 157..... | 2,500 00 |
| June 3, Chapin, bond and mortgage, 351..... | 250 00 |
| June 4, Ross, bond and mortgage, 61 | 802 20 |
| June 14, Bagley, bond and mortgage, 177 | 2,665 04 |
| June 26, Dwight, bond and mortgage, 180, 186..... | 6,500 00 |
| July 5, Weeks, bond and mortgage, 159..... | 2,675 28 |
| July 5, Gardner, bond and mortgage, 144.... | 500 00 |

Q. From July 8, 1878, to July 9, 1879, you have charged yourself with bonds and mortgages, \$112,617.03. Please state the items composing that charge. A.

| | |
|--|-----------|
| July 22, Pyle, bond and mortgage, 11 | \$105 00 |
| July 23, Metz, bond and mortgage, 42..... | 857 47 |
| July 27, Walsh, bond and mortgage, 78..... | 12,000 00 |

| | |
|---|------------|
| August 7, White, bond and mortgage, 91 | \$4,148 49 |
| August 7, Smith, bond and mortgage, 166 | 1,800 00 |
| August 7, Wamby, bond and mortgage, 18..... | 1,400 00 |
| August 7, Clark, bond and mortgage, 193..... | 4,000 00 |
| August 7, Wamby, bond and mortgage, 291 | 1,200 00 |
| September 3, Ransom, bond and mortgage, 238..... | 656 25 |
| September 3, Ransom, bond and mortgage, 266..... | 671 25 |
| September 25, Raynor, bond and mortgage, 119..... | 2,144 21 |
| September 25, Clark, bond and mortgage, 191..... | 1,650 40 |
| October 7, Gardner, bond and mortgage, 144 | 4,000 00 |
| October 18, Keeler, bond and mortgage, 124..... | 1,382 05 |
| November 6, Bagley, bond and mortgage, 123 | 1,446 54 |
| November 6, Crofut, bond and mortgage, 8..... | 2,500 00 |
| November 7, Gillispie, bond and mortgage, 313..... | 1,766 90 |
| November 26, Wakefield, bond and mortgage, 52....., | 15,000 00 |
| December 7, Chapin, bond and mortgage, 351 | 250 00 |
| December 11, Weeks, bond and mortgage, 158..... | 2,457 50 |
| December 17, Bailey, bond and mortgage, 128..... | 8,607 55 |
| December 26, Perry, bond and mortgage, 188..... | 2,280 15 |
| 1879. | |

| | |
|--|-----------|
| January 6, Price, bond and mortgage, 114.,..... | 2,500 00 |
| January 11, Raynor, bond and mortgage, 120..... | 1,271 10 |
| January 15, Maiden, bond and mortgage, 34 | 802 90 |
| January 17, Wallrook, bond and mortgage, 218..... | 1,039 20 |
| February 12, Briggs, bond and mortgage, 199..... | 1,000 00 |
| February 1, Field, bond and mortgage, 94..... | 5,000 00 |
| February 4, Wingate & Cullen, bond and mortgage, 54. | 20,000 00 |

[Money collected by Wingate & Cullen under a foreclosure of a mortgage against the New Jersey Classical Institute at Hightstown.]

| | |
|---|------------|
| March 25, Wingate & Cullen, bond and mortgage, 186, 187..... | \$1,000 00 |
|---|------------|

[From Wingate & Cullen, on Dwight property.]

| | |
|--|----------|
| April 1, Price, bond and mortgage, 114..... | 500 00 |
| April 5, German American Insurance Company, bond and mortgage, 231..... | 1,996 11 |

[For property destroyed by fire at Nyack full amount of the insurance, less \$3.89 interest.]

| | |
|--|----------|
| April 16, Schleimer, bond and mortgage, 85..... | \$100 00 |
| April 17, Continental Insurance Company, bond and mortgage, 231 | 4,000 00 |

[For property destroyed by fire at Nyack full amount of insurance was paid.]

| | |
|--|------------|
| May 2, Chancellor, bond and mortgage, 159..... | \$1,761 80 |
| June 10, Chapin, bond and mortgage, 351..... | 250 00 |
| July 7, Dwight, bond and mortgage 180, 1, 2, 3, 4..... | 1,071 50 |

Q. Between July 10, 1878, and December 31, 1879, you have charged yourself with bonds and mortgages, \$24,769.48. Please give the items?

| | |
|---|------------|
| July 11, Morse, bond and mortgage, 11..... | \$3,000 00 |
| September 3, Price, bond and mortgage, 14 | 500 00 |
| September 11, Wingate and Cullen, bond and mortgage, 222 | 2,615 28 |

Q. What property is that? A. M. C. Campbell.

| | |
|--|----------|
| September 11, Wingate & Cullen, bond and mortgage, 190 [That is the J. W. Ackerman property.] | 4,791 23 |
| September 26, Wingate & Callen, bond and mortgage, 352 [That is the Hewlett property.] | 515 25 |
| October 9, Brophy, bond and mortgage, 49..... | 2,400 00 |
| November 2, Chandler, bond and mortgage, 68..... | 7,937 62 |
| November 17, Robinson, chattel mortgage at East New- ark, on roofing property | 1,250 00 |
| December 1, Kerney, bond and mortgage, 35 | 1,510 00 |
| December 8, Chapin, bond and mortgage, 359..... | 250 00 |

Adjourned to February 11, 1880, at 10.30 o'clock A. M.

February 11, 1880.

Parties meet and proceed.

Mr. Tobias' examination continued by Mr. MOSES.

Q. Under the head of general interest, you have charged yourself in the report from July, 1877, to July, 1878, \$35,344.12, and from July 8, 1878, to July 9, 1879, \$32,671.10, and from July 10, 1879, to December 31, 1879, \$10,025.26. Please state the items of which these general amounts are composed, and give, when from bond and mortgage, the number of the bond and mortgage and the date of the receipt?

| | |
|---|----------|
| July 11, Davis, bond and mortgage, 131..... | \$38 88 |
| July 11, Harding, bond and mortgage, 44..... | 80 10 |
| July 12, Curren, bond and mortgage, 115..... | 105 00 |
| July 12, interest on certificates of deposit on the New York Life Insurance Company..... | 1,555 54 |
| July 14, Langley, bond and mortgage, 221..... | 700 00 |
| July 16, Seagar, bond and mortgage, 170..... | 210 00 |
| July 18, Perry, bond and mortgage, 84..... | 87 50 |
| July 18, Scandella, bond and mortgage, 12..... | 19 92 |
| July 20, Whitmore, bond and mortgage, 79..... | 210 00 |
| July 20, Gross, bond and mortgage, 214..... | 315 00 |
| July 21, Burns, bond and mortgage, 7..... | 53 60 |
| July 23, Partridge, bond and mortgage, 231..... | 110 00 |
| July 24, Baden, bond and mortgage, 102..... | 17 52 |
| July 24, Guthrie, bond and mortgage, 1..... | 28 02 |
| July 25, Ensign, bond and mortgage, 293..... | 210 00 |
| July 25, Walsh, bond and mortgage, 311..... | 56 00 |
| July 26, Anderson, bond and mortgage, 172..... | 175 00 |
| July 26, Moore, bond and mortgage, 11..... | 105 00 |
| July 27, City of Yonkers water bonds interest on coupons | 350 00 |
| July 30, Brown, bond and mortgage, 121..... | 245 00 |

| | |
|---|----------|
| July 31, Knapp, bond and mortgage, 28..... | \$175 00 |
| August 1, Cornell, bond and mortgage, 241..... | 21 00 |
| August 2, Ryley, bond and mortgage, 224..... | 42 00 |
| August 2, Clark, bond and mortgage, 191..... | 105 00 |
| August 4, Lucas, bond and mortgage, 73..... | 35 00 |
| August 7, Tansey, bond and mortgage, 50..... | 70 00 |
| August 7, Demody, bond and mortgage, 67..... | 48 02 |
| August 7, Olmstead, bond and mortgage, 72..... | 350 00 |
| August 7, Ackerman, bond and mortgage, 21 | 87 50 |
| August 9, Sutcliffe, bond and mortgage, 161..... | 122 50 |
| August 15, Campbell, bond and mortgage, 222 | 175 00 |
| August 17, Perry, bond and mortgage, 84..... | 11 65 |
| August 17, Brophy, bond and mortgage, 49..... | 84 00 |
| August 17, Curran, bond and mortgage, 115..... | 27 39 |
| August 22, Jones, bond and mortgage, 239..... | 23 63 |
| August 23, Mitchell, bond and mortgage, 132 | 350 00 |
| August 23, Archibald, bond and mortgage, 33..... | 128 33 |
| September 8, Wakefield, bond and mortgage, 52..... | 630 00 |
| September 21, Brown, bond and mortgage, 56..... | 75 00 |
| October 1, Wilbur, bond and mortgage, 28..... | 58 33 |
| October 4, interest on City of Yonkers water bonds.... | 350 00 |
| October 5, Brown, bond and mortgage, 56..... | 65 00 |
| October 13, Ackerman, bond and mortgage, 21..... | 87 00 |
| October 16, Sutcliffe, bond and mortgage, 161 | 91 86 |
| October 16, Putnam, bond and mortgage, 258, 267, 268 | 105 00 |
| October 27, Moore, bond and mortgage, 66..... | 408 30 |
| October 30, United States Trust Company for interest on deposit..... | 1,584 01 |
| November 5, Hewlett, bond and mortgage, 352..... | 63 00 |
| November 9, Campbell, bond and mortgage, 88..... | 245 00 |
| November 15, Smith, bond and mortgage, 217..... | 105 63 |
| November 30, Dortherty, bond and mortgage, 317..... | 113 75 |
| December 1, Gardner, bond and mortgage, 144..... | 175 00 |
| December 1, Walsh, bond and mortgage, 78..... | 420 00 |
| December 1, Morgan, bond and mortgage, 196..... | 367 00 |
| December 1, Mitchell, bond and mortgage, 132.. | 350 00 |
| December 3, Baden, bond and mortgage, 302..... | 17 50 |
| December 3, Walsh, bond and mortgage, 311..... | 56 00 |
| December 6, Brown, bond and mortgage, 121..... | 272 50 |
| December 7, Proseus, bond and mortgage, 165..... | 210 00 |
| December 7, Ackerman, bond and mortgage, 190..... | 297 50 |
| December 8, Weeks, bond and mortgage, 107..... | 87 50 |
| December 8, Weeks, bond and mortgage, 299..... | 122 50 |
| December 11, Anderson, bond and mortgage, 172..... | 175 00 |
| December 12, Smith, bond and mortgage, 217 | 39 97 |
| December 13, Anderson, bond and mortgage, 172..... | 11 65 |
| December 24, Titus, bond and mortgage, 72 | 350 00 |
| December 26, Lucas, bond and mortgage, 73 | 35 00 |
| December 27, Cutting, bond and mortgage, 148..... | 105 00 |
| December 28, National Trust Company interest on deposit | 37 14 |

1878.

| | |
|--|------------|
| January 2, Smith, bond and mortgage, 94, 95, 97, 103 $\frac{1}{2}$, 114 | \$1,925 00 |
| January 2, Fowler, bond and mortgage 125 | 70 00 |
| January 2, White, bond and mortgage, 47 | 175 00 |
| January 2, Clark, bond and mortgage, 81 | 420 00 |
| January 3, Eaton, bond and mortgage, 62 | 52 50 |
| January 3, Clark, bond and mortgage 75 | 420 00 |
| January 4, Briggs, bond and mortgage, 199 | 350 00 |
| January 5, Hill, bond and mortgage, 76 | 280 00 |
| January 8, Partridge, bond and mortgage, 231 | 210 00 |
| January 10, Eckert & Winter, bond and mortgage, 214. | 315 00 |
| January 14, Edie, bond and mortgage, 210 | 35 00 |
| January 15, Miller, bond and mortgage, 85. | 105 00 |
| January 15, Child, bond and mortgage, 197 | 105 00 |
| January 19, Langley, bond and mortgage, 221 | 70 00 |
| February 7, Seager, bond and mortgage, 175 | 212 78 |
| February 12, Tansey, bond and mortgage, 50 | 70 00 |
| February 18, Brophy, bond and mortgage, 49 | 84 00 |
| February 20, Putnam, bond and mortgage, 268 | 52 50 |
| February 20, Beam, bond and mortgage, 96 | 175 00 |
| February 23, F. M. bond and mortgage, 222 | 175 00 |
| February 26, Smith, bond and mortgage, 98, 99, 100, 102. | 710 00 |
| February 28, Smith, bond and mortgage, 114 | 175 00 |
| July 1, interest on United States bonds | 2,715 19 |
| July 2, Hill, bond and mortgage, 76 | 280 00 |
| July 2, Smith, bond and mortgage, 95, 97, 103, 103 $\frac{1}{2}$.. | 875 00 |
| July 5, Briggs, bond and mortgage, 199 | 350 00 |
| July 5, Gardner, bond and mortgage, 144 | 157 50 |
| June 28, Seager, bond and mortgage, 175 | 210 00 |

Making a total for the first year of \$35,344 12

| | |
|---|----------|
| July 26, Brown, bond and mortgage, 56 | \$55 00 |
| July 27, Walsh, bond and mortgage, 78 | 128 33 |
| July 7, Smith, bond and mortgage, 156 | 342 67 |
| July 7, Wambe, bond and mortgage, 18 | 333 64 |
| July 7, Clark, bond and mortgage, 193 | 518 58 |
| July 7, Wambe, bond and mortgage, 297 | 311 33 |
| July 13, Riley, bond and mortgage, 224 | 22 00 |
| July 24, Tansey, bond and mortgage, 50 | 70 00 |
| July 26, United States Trust Company, interest on deposit | 775 42 |
| September 3, Ranson, bond and mortgage, 238 | 48 85 |
| September 3, Ranson, bond and mortgage, 266 | 51 08 |
| September 6, Grace, interest on deposits | 86 78 |
| September 6, Riley, bond and mortgage, 224 | 20 00 |
| September 7, Brophy, bond and mortgage, 49 | 84 00 |
| September 18, Cornell, bond and mortgage, 241 | 21 00 |
| October 1, interest on United States bonds | 4,165 56 |
| October 3, interest on Yonker's water bonds | 336 00 |
| October 7, Gardner, bond and mortgage, 144 | 76 22 |

| | |
|---|----------|
| November 1, Wynkoop, bond and mortgage, 299 | \$122 50 |
| November 1, Mansville, bond and mortgage, 21 | 87 50 |
| December 2, Olmstead, bond and mortgage, 72 | 350 00 |
| December 2, Morgan, bond and mortgage, 196 | 367 50 |
| December 2, Walsh, bond and mortgage, 311 | 56 00 |
| December 3, Field, bond and mortgage, 94 | 175 00 |
| December 3, Fowler, bond and mortgage, 125 | 70 00 |
| December 3, Johnson, bond and mortgage, 99 | 350 00 |
| December 4, Beam, bond and mortgage, 96 | 175 00 |
| December 4, Clark, bond and mortgage, 81 | 420 00 |
| December 5, Colton, bond and mortgage, 101 | 350 00 |
| December 7, Chapin, bond and mortgage, 351 | 218 75 |
| December 9, Cutting, bond and mortgage, 148 | 105 00 |
| December 10, Badum, bond and mortgage, 302 | 17 50 |
| December 14, Price, bond and mortgage, 114 | 175 00 |
| December 27, Mitchell, bond and mortgage, 132 | 350 00 |
| December 31, interest United States Trust Company ... | 38 17 |
| 1879. | |
| January 2, interest on United States bonds | 4,150 00 |
| January 2, Eckert & Winter, bond and mortgage, 214 .. | 315 00 |
| January 9, Briggs, bonds and mortgage, 199 | 350 00 |
| January 16, Johnson, bond and mortgage, 100 | 175 00 |
| January 18, Smith, bond and mortgage, 103, 193 1/2 | 350 00 |
| January 20, Hill, bond and mortgage, 76 | 100 00 |
| January 21, Hill, bond and mortgage, 76 | 180 80 |
| February 1, Whitney (for interest on note) 138 | 525 00 |
| February 3, Youmans, bond and mortgage, 58 | 283 00 |
| February 5, Pyle, bond and mortgage, 11 | 105 00 |
| February 12, Briggs, bond and mortgage, 199 | 8 00 |
| February 13, Tansey, bond and mortgage, 50 | 70 00 |
| February 21, Seager, bond and mortgage, 175 | 210 00 |
| March 1, Field, bond and mortgage, 94 | 87 50 |
| March 4, interest on assignment of bond and mort- gage, 54 | 2,000 00 |
| March 12, Johnson, bond and mortgage, 102 | 175 00 |
| March 14, Whitney (interest on note) | 218 75 |
| March 15, Brophy, bond and mortgage, 49 | 34 00 |
| April 1, Interest on United States bonds | 4,150 00 |
| April 1, Interest on city of Yonkers water bonds | 350 00 |
| April 14, Mansville, bond and mortgage, 21 | 87 00 |
| June 2, Walsh, bond and mortgage, 311 | 56 00 |
| June 3, Olmstead, bond and mortgage, 72 | 350 00 |
| June 3, Riley, bond and mortgage, 224 | 42 00 |
| June 4, Colton, bond and mortgage, 97 and 101 | 350 00 |
| June 6, Price, bond and mortgage, 114 | 87 50 |
| June 6, Wynkoop, bond and mortgage, 299 | 122 50 |
| June 7, Morgan, bond and mortgage, 196 | 367 50 |
| June 10, Chapin, bond and mortgage, 351 | 210 00 |
| June 16, Fowler, bond and mortgage, 125 | 70 00 |
| June 30, Mitchell, bond and mortgage, 132 | 350 00 |
| July 1, interest on United States bonds | 4,390 00 |
| July 1, Riley, bond and mortgage, 224 | 22 00 |

| | |
|---|----------|
| July 1, Briggs, bond and mortgage, 199 | \$315 00 |
| July 2, Eckert and Winter, bond and mortgage, 214 ... | 315 00 |
| July 3, Hill, bond and mortgage, 76 | 280 00 |
| July 9, Interest United States Trust Company | 479 97 |

Making a total for the second year of \$32,671 10

| | |
|---|----------|
| July 10, Badum, bond and mortgage, 302 | \$17 50 |
| July 11, Morse, bond and mortgage, 11 | 95 00 |
| July 28, Smith, bond and mortgage, 95, 103, 103½ | 700 00 |
| July 28, Clark, bond and mortgage, 81 | 420 00 |
| July 30, Youmans, bond and mortgage, 58 | 210 00 |
| August 8, Seager, bond and mortgage, 175 | 210 00 |
| August 9, Bean, bond and mortgage, 96 | 177 05 |
| August 13, Tansey, bond and mortgage, 50 | 70 00 |
| September 17, Brophy, bond and mortgage, 49 | 84 00 |
| September 27, Riley, bond and mortgage, 224 | 20 00 |
| October 1, interest on United States bonds | 4,390 00 |
| October 1, interest on city of Yonkers water bonds ... | 350 00 |
| October 9, Brophy, bond and mortgage, 49 | 28 00 |
| October 27, Marksville, bond and mortgage, 21 | 87 50 |
| October 30, Olmstead, bond and mortgage, 72 | 350 00 |
| December 2, Morgan, bond and mortgage, 196 | 367 50 |
| December 3, Wynkoop, bond and mortgage, 299 | 122 50 |
| December 2, Walsh, bond and mortgage, 311 | 56 00 |
| December 8, Chapin, bond and mortgage, 359 | 201 75 |
| December 9, Johnson, bond and mortgage, 98, 102 | 350 00 |
| December 9, Colton, bond and mortgage, 97, 101 | 350 00 |
| December 10, Baden, bond and mortgage, 302 | 17 50 |
| December 15, Eckert and Winter, bond and mortgage, 214 | 315 00 |
| December 22, McKernan & Co., bond and mortgage, 99, 100 | 350 00 |
| December 31, United States Trust Co., interest on de- posits | 685 86 |

Making a total of the last six months of \$10,025 26

Q. Mr. Tobias, in your report to July 8, 1878, you charge yourself with fire insurance, \$560.29, and from July 8, 1878, to July 9, 1879, you charge yourself with fire insurance, \$249.88, and from July 9, 1879, to December 31, 1879, you charge yourself with fire insurance, \$162.87, making a total of \$973.04. Please state the items of which this is composed?
1879.

| | |
|--|--------|
| A. July 24, Baden, bond and mortgage, 302 | \$6 30 |
| July 28, Partridge, bond and mortgage, 231 | 40 00 |
| July 30, Brown, bond and mortgage, 121 | 32 00 |
| August 10, Lucas, bond and mortgage, 73 | 17 50 |
| September 29, White, bond and mortgage, 47 | 21 00 |

| | |
|---|---------|
| October 1, Olmstead, bond and mortgage, 52..... | \$51 00 |
| October 9, Morgan, bond and mortgage, 196..... | 10 00 |
| October 10, Tansey, bond and mortgage, 50 | 13 00 |
| October 27, Hewlett, bond and mortgage, 352..... | 9 00 |
| October 26, Whiting, bond and mortgage, 132..... | 30 00 |
| December 1, Morgan, bond and mortgage, 196..... | 32 00 |
| December 19, German American Insurance Company, bond and mortgage, 172 | 29 75 |
| 1878. | |
| January 24, return premium, bond and mortgage, 55... | 15 10 |
| April 2, Chapin, bond and mortgage, 351..... | 10 40 |
| April 12, Dewey, bond and mortgage, 198..... | 4 32 |
| April 12, Leon, bond and mortgage, 271..... | 96 |
| April 12, Perry, bond and mortgage, 296..... | 40 |
| April 26, Return premium, bond and mortgage, 74..... | 4 87 |
| April 26, Return premium, bond and mortgage, 225.... | 1 70 |
| April 26, Discount, voucher 130..... | 16 05 |
| May 4, Wynkoop & Halenbeck, bond and mortgage, 157, 299..... | 15 00 |
| May 4, Eaton, bond and mortgage, 62 | 16 83 |
| May 8, Waring, bond and mortgage, 190..... | 30 00 |
| May 10, Youmans, bond and mortgage, 58..... | 32 00 |
| May 13, Proseus, bond and mortgage, 165..... | 21 00 |
| May 14, German American Insurance Company, return premiums..... | 18 09 |
| May 25, Youmans, bond and mortgage, 58..... | 64 00 |
| June 3, Badum, bond and mortgage, 392..... | 5 60 |
| June 17, McCann, bond and mortgage, 61 | 8 42 |
| July 2, German American Insurance Company, return premiums | 4 00 |

| | |
|-------------------------------------|-----------------|
| Making a total for the year of..... | <u>\$560 29</u> |
|-------------------------------------|-----------------|

| | |
|--|--------|
| July 20, Continental Fire Insurance Company, return premium..... | \$3 77 |
| July 26, German American Insurance Company, return premium..... | 8 75 |
| July 26, German American Insurance Company, return premium..... | 17 55 |
| August 2, German American Insurance Company, re- turn premium | 4 50 |
| August 2, Seager, bond and mortgage, 175 | 17 50 |
| August 1, Clark, bond and mortgage, 81..... | 16 00 |
| August 12, Marksville. bond and mortgage, 21..... | 13 60 |
| August 15, Morgan, bond and mortgage, 196 | 10 00 |
| August 15, Fowler, bond and mortgage, 125..... | 9 00 |
| August 23, Smith, bond and mortgage, 94 and 95 | 31 88 |
| October 30, Clark, bond and mortgage, 75 | 30 00 |
| December 17, Morgan, bond and mortgage, 196 | 32 00 |
| 1879. | |
| February 28, Chapin, bond and mortgage, 351 | 10 40 |

| | |
|--|--------|
| March 22, Chapin, bond and mortgage, 351..... | \$5 43 |
| May 6, Wynkoop, bond and mortgage, 299..... | 7 50 |
| May 16, German American Insurance Company, return premium..... | 32 00 |

Making for the second year a total of..... \$249 88

| | |
|--|---------|
| July 10, Pyle, bond and mortgage, 11..... | \$22 50 |
| July 10, Badum, bond and mortgage, 302..... | 6 30 |
| July 10, German American Insurance Company, return premium..... | 32 94 |
| October 9, Colton, bonds and mortgages, 97, 101..... | 15 00 |
| October 14, Morgan, bond and mortgage, 196..... | 10 00 |
| October 27, Marksville, bond and mortgage, 21..... | 13 60 |
| November 3, Fowler, bond and mortgage, 125..... | 9 00 |
| November 28, Smith, bonds and mortgages, 95, 103, 103½ | 19 13 |
| November 28, German American Insurance Company, return premium,..... | 2 40 |
| December 2, Morgan, bond and mortgage, 196..... | 32 00 |

Making a total for the last six months..... \$162 87

And a grand total of \$973 04

Q. You have charged yourself with temporary loans to July 9, 1878, \$1,607 75, and from July 8, 1879, to July 9, 1879, \$16,688.98, and from July 10, 1879, to December 31, 1879, the sum of \$7,102.30, making a total of \$25,399.13. Please state the dates and items of which these are composed? A. February 23, 1878, by Kneeland, for eighty shares of the stock of the Citizens' Gas Light company, hypothecated with the Continental as security, and sold by order of court at auction..... \$2 00

| | |
|--|----------|
| February 24, by Ripley, for four hundred shares of the Citizens' Railway company of Indiana..... | 160 00 |
| February 26, by Ripley, balance of purchase..... | 1,440 00 |
| March 1, fifteen hundred shares of the Continental Railway and Trust company..... | 575 00 |
| October 9, Whitney, on account of note..... | 35 28 |
| October 10, Whitney, on account of note..... | 3,153 70 |

| | |
|--|----------|
| 1879. | |
| February 1, Whitney, on account of note..... | 5,000 00 |
| March 14, Whitney, on account of note..... | 8,500 00 |
| August 13, Smythe, Superintendent of Insurance, received in settlement on Empire Life Insurance company's policy, No. 9,991, on life of Henry A. Thomas, held by Continental Life Insurance company, as a collateral for loan..... | 1,565 00 |
| November 17, Receiver Atlantic National Bank, dividend on account of stock..... | 5,537 30 |

Making a total of \$25,399 03

There is another item appearing in my ledger account amounting to \$4,000, paid by Mr. O'Neil under date of October 26, for advance to pay taxes, which I have not included in the above statement, as it was returned to Mr. O'Neil on November 1st, and did not enter into my account either way — one item cancelling the other.

Q. In your account to July 9, 1878, you have charged yourself with \$11,230.94, as received from real estate, and from July 8, 1878, to July 9, 1879, the sum of \$12,018.14, and from July 9, 1879, to December 31, 1879, \$9,813.25, making a total of \$33,062.33. Please state the particular pieces of property sold, date you received the proceeds, and amount you received for each?

1878.

| | |
|---|----------|
| A. April 1, Macon street property in Brooklyn | \$350 00 |
| May 16, Macon street property in Brooklyn | 2,828 95 |
| June 11, Campbell property at Nyack | 4,118 54 |
| June 18, Mum property at Yonkers | 2,933 45 |
| June 20, Giles, Wales & Co., property in Marion, N. J., | 1,000 00 |
| July 23, Getty property at Yonkers | 7,214 16 |
| August 28, Giles, Wales & Co., property in Marion, N. J., | 4,803 98 |

1879.

| | |
|--|----------|
| October 21, McNeil property at Huyler's Landing, N. J., | 410 00 |
| October 17, rent for Third avenue property in Brooklyn, | 32 50 |
| November 1, Coles, for Flagg property | 497 50 |
| November 12, rent for Chandler property at Yonkers... | 200 00 |
| November 15, rent for Third ave. property in Brooklyn.. | 38 00 |
| November 21, for lot of stone at East Newark | 1 50 |
| November 22, Coles, for Flagg property | 4,346 23 |
| December 10, Property at Huyler's Landing, N. J. | 3,271 95 |
| December 10, Marion Building Association property in New Jersey | 727 57 |
| December 23, rent of Third ave. property in Brooklyn.. | 38 00 |

Making a total of \$33,062 33

[There appears another item on the account of Lyons under date of October 6, 1879, of \$250, which was received as deposit on sale of property, and afterwards returned on November 3, 1879, and therefore has not entered into the account on either side.]

Q. You charge the receiver from agents' accounts to July 9, 1878, \$1,389.76. Please give the items and dates composing this amount?

| | |
|---|----------|
| A. May 4, 1878, by J. W. Langley, by settlement of his accounts, compromised by order of court | \$576 85 |
| June 1, ditto, in settlement of note | 500 00 |
| June 10, 1878, Burens, for settlement of note | 292 91 |

Making a total of \$1,389 76

Q. You charge yourself in the account from July 10, 1879, to December 31, 1879, with the sum of \$12.88, received from order of

court; please give the date and explanation? A. I received from Wingate & Cullen for excess of costs and expenses, as ordered to be paid by order of court, No. 34, \$12.88.

Q. Mr. Tobias, are there any other monies received by the receiver, or by any one in his behalf, between these times, to your knowledge?

A. No, sir, nothing but what he has entered here.

Q. You have no knowledge, information or belief that any amount has been received, except these? A. I feel pretty positive about it.

[Intermission.]

Parties meet and proceed.

Q. Mr. Tobias, will you look over your balance of cash on hand at the end of the several months, and state if at any time you had on hand over ten thousand dollars, except what was invested or deposited in the Trust Company? A. No, I think not, except upon one occasion when I had a surplus over that amount which I think was kept on hand for the purpose of paying taxes, and which was not paid until some time afterward. I think I allowed that to accumulate, when I intended to pay the October taxes of \$8,000.

Q. What was the surplus at that time? A. \$3,669.34.

Q. Was that kept in another trust company? A. A portion of that amount was kept in another trust company, where it was drawing interest.

Q. How much? A. Four per cent. interest.

Q. How much of it was so kept? A. \$5,943.11.

Q. Will you turn to your balance for April, 1878 — what amount did you have on hand then in United States Trust Company? A. \$54,009.40.

Q. Will you produce the United States Trust Company's bank book showing the balance at that time? A. I will, sir.

[Bank book produced.]

Q. Where else did you have money deposited at that time, and how much? A. I had deposited in the National Trust Company \$1,154.66.

[Witness produced the book and shows balance of \$1,154.66.]

Q. You had received on January 8, 1878, the sum of \$2,309.31 and March 8, 1878, \$1,154.66 leaving a balance of \$1,154.66? A. Yes, sir. The amount of \$2,309.31 is not entered in my cash book, but in the deposit of the United States Trust Company under date of January 8, 1878. The amount of 1,154.66 is not entered in my cash book, but in the deposit of that date in the Fourth National bank book, produced.

Q. Where else did you have any money at that time, April 1, 1878? A. United States Trust Company, National Trust Company, Fourth National bank, that is all.

Q. Please produce the bank book of the Fourth National bank?

[Bank book produced.]

Q. What is the amount in the Fourth National bank on the 30th of April? A. \$3,856.54.

Q. Any where else? A. No, sir, except cash on hand.

Q. What is that amount? A. \$1,569.51.

Q. Did you actually have that amount of cash on hand at that time?
A. Actually had it on hand.

Q. What is the balance on hand on the 31st of March, in the United States Trust Company? A. \$39,659.88.

Q. What is the balance on hand on April 30th? A. In the United States Trust Company, \$47,874.26.

[Bank book produced.]

Q. Where else? A. Third National bank.

Q. How much? A. \$4,405.69.

[Bank book produced.]

Q. What is the next? A. Fourth National bank.

Q. How much? A. \$2,694.65.

Q. Where else? A. On hand, \$1,045.06.

Q. Did you actually have that amount on hand at that time? A. I actually had that amount on hand at that time.

Q. Mr. Tobias, please state the bond and mortgage and amount; and state which of the mortgages have been paid in full, principal and interest, and on which you have received less than principal and interest, and in the cases in which you have received less than the principal and interest, exhibit the statement of foreclosure sale, and tell in each instance the amount of the judgment, principal and interest, and date of sale, and the amount paid, costs, taxes and expenses and taxes separately? A. July 11, 1877, number 131.. \$5,000 00

July 11, number 44 2,000 00

July 14, number 77 7,000 00

July 18, number 12 2,500 00

July 21, number 7 5,000 00

July 24, number 1 1,400 00

August 7, number 76 1,000 00

August 17, number 84..... 2,500 00

August 17, number 115..... 3,000 00

August 23, number 23..... 6,000 00

October 1, number 28 5,000 00

October 16, number 161 3,500 00

October 27, number 66..... 12,000 00

December 1, number 144..... 500 00

December 6, number 121..... 7,000 00

December 13, number 172 5,000 00

February 20, 1878, number 268..... 1,500 00

March 7, number 47..... 5,000 00

March 15, number 217..... 1,142 00

March 15, number 88..... 7,000 00

March 16, number 271..... 3,000 00

March 16, number 198 4,000 00

April 1, number 19..... 1,000 00

April 3, number 231..... 2,000 00

April 24, number 73..... 1,000 00

May 1, number 239 675 00

May 2, number 295 5,700 00

May 10, number 58 500 00

May 13, number 165..... 6,000 00

| | |
|----------------------------------|------------|
| May 20, number 197..... | \$3,000 00 |
| May 25, number 58 | 2,500 00 |
| May 29, number 62 | 1,500 00 |
| June 1, number 157..... | 2,500 00 |
| June 3, number 351..... | 250 00 |
| July 5, number 144 | 500 00 |
| July 27, number 78..... | 12,000 00 |
| September 3, number 238..... | 625 25 |
| September 3, number 268..... | 671 25 |
| October 7, number 144..... | 4,000 00 |
| December 7, number 351..... | 250 00 |
| January 6, 1879, number 114..... | 2,500 00 |
| February 12, number 199... .. | 1,000 00 |
| March 1, number 94..... | 5,000 00 |
| March 4, number 54 | 20,000 00 |
| April 1, number 114..... | 500 00 |
| April 16, number 85..... | 100 00 |
| June 10, number 351 | 250 00 |
| June 11, number 11..... | 3,000 00 |
| September 3, number 114..... | 500 00 |
| October 9, number 49 | 2,400 00 |
| December 8, number 359 | 250 00 |

The above have been paid in full, with the exception of Nos. 58, May 10, 1878, \$144; December 1, 1877, May 25, 1878, \$58; June 3, 1878, \$351; December 7, \$351; January 6, 1879, \$114; April 16, \$85; June 10, \$351; September 3, \$114, and December 8, \$359, which have been paid on account of principal.

April 2, 1878, No. 296, \$2,087.80. Did not receive the full amount. The amount due with interest was \$5,911.67; the amount bid was \$2,800; the costs, taxes and expenses were \$712.20, of which the taxes were \$309.69, leaving a deficiency of \$3,939.95.

April 13, No. 225, \$4,268.40. I did not receive the full amount. The amount due with interest was \$7,873.23; the amount bid was \$5,125; the costs, taxes and expenses were \$856.10, of which the taxes were \$398.21, leaving a deficiency of \$3,605.03.

May 1, No. 189, \$5,904.88. Did not receive the full amount. The amount due with interest was \$7,025.11; the costs, taxes and expenses were \$1,120.12, of which the taxes were \$629.72, leaving a deficiency of \$6,331.55.

May 1, No. 74, \$5,442.79. Did not receive the full amount. The amount due with interest was \$11,175.06; the amount bid was \$6,450; the costs, taxes and expenses were \$1,007.21; of which the taxes were \$563.29, leaving a deficiency of \$5,732.27.

May 4, No. 163, \$5,705.16. That did not bring the full amount. The amount due with interest was \$6,858.72; the amount bid was \$4,000; the costs, taxes and expenses were \$655.36, leaving a deficiency of \$3,514.08; \$205.79 were for taxes.

May 13, No. 318, \$3,344.04. Did not receive the full amount. The amount due with interest was \$6,858.72; the amount bid was \$4,000; the costs, taxes and expenses were \$655.36, leaving a deficiency of \$3,514.08; \$205.79 were for taxes.

May 15, No. 316, \$3,166.23. Did not receive the full amount. The

amount due with interest was \$11,588.65 ; the amount bid was \$4,000; the costs, taxes and expenses were \$833.77, of which the taxes were \$356.79, leaving a deficiency of \$8,622.42.

By General WINGATE:

Q. Where was the property? A. At Yonkers.

[Witness continues.]

June 4, No. 61, \$802.20. Did not receive the full amount. The amount due with interest was \$2,312.53; the amount bid was \$1,500; the costs, taxes and expenses were \$697.80, of which the taxes were \$305.78, leaving a deficiency of \$1,510.35.

June 14, 177, \$2,665.04. Did not receive the full amount. The amount due with interest was \$10,349.40; the amount bid was \$3,800; the costs, taxes and expenses were \$1,134.96, of which the taxes were \$548.93, leaving a deficiency of \$7,684.36.

July 5, number 159, \$2,675.28. Did not receive the full amount. The amount due with interest was \$5,570.15; the amount of the bid was \$3,540; the costs, taxes and expenses were \$864.72, of which the taxes were \$450.22, leaving a deficiency of \$2,894.87.

July 22, number 11, \$105. That was an interest matter.

July 23, number 42, \$857.77. That was not received in full. The amount due with interest was \$1,252.64; the amount bid was \$1,275; the costs, taxes and expenses were \$417.53, of which the taxes were \$411.50, leaving a deficiency of \$395.17.

August 7, number 91, \$4,148.49. Did not receive the full amount. The amount due with interest was \$7,855.75; the amount bid was \$4,850; the costs, taxes and expenses were \$351.51, of which the taxes were \$496.11, leaving a deficiency of \$3,856.96.

August 7, number 166, \$1,800. Did receive the full amount.

August 7, number 18, \$1,400. Did receive the full amount.

August 7, number 193, \$4,000. Did not receive the full amount. The amount due with interest was \$3,274.72; the amount bid was \$2,100; the costs, taxes and expenses were \$449.60, of which the taxes were \$105.50, leaving a deficiency of \$1,624.32.

August 7, number 297, \$1,200. Did receive the full amount.

September 25, number 119, \$2,144.21. Did not receive the full amount. The amount due with taxes was \$4,798.93; the amount bid was \$2,700; the costs, taxes and expenses were \$556.79, of which the taxes were \$163.76, leaving a deficiency of \$2,654.72.

September 25, number 191, \$1,650.40. Did not receive the full amount. The amount due with interest was \$3,274.72; the amount bid was \$2,100; the costs, taxes and expenses were \$449.60, of which the taxes were \$105.50, leaving a deficiency of \$1,649.32.

October 18, number 124, \$1,382.05. Did not receive the full amount. The amount due with interest was \$7,572.38; the amount bid was \$2,150; the costs, taxes and expenses were \$767.95, of which the taxes were \$309.45, leaving a deficiency of \$6,190.32.

November 6, number 123, \$1,446.54. Did not receive the full amount. The amount due with interest was \$2,726.15; the amount bid was \$2,000; the costs, taxes and expenses were \$553.46, of which the taxes were \$190.98, leaving a deficiency of \$1,279.61.

November 6, number 8, \$2,500. That we settled by order of court, compromised by order of court for the full amount.

Q. Have you the order? A. I have, sir, and will produce it.

November 7, number 313, \$1,766.90. Did not receive the full amount. The amount due with interest was \$4,458.42; the amount bid was \$1,900; the costs, taxes and expenses were \$633.10, of which the taxes were \$125.82, leaving a deficiency of \$3,191.52.

November 26, number 52, \$15,000. Did not receive the full amount. The amount due with interest was \$; the amount bid was \$11,500; the costs, taxes and expenses were \$580.15, of which the taxes were \$194, leaving a deficiency of \$

December 8, number 158, \$2,457.50. Did not receive the full amount. The amount due with interest was \$5,757.80, the amount bid was \$3,710, the costs, taxes and expenses were \$1,252.50, of which the taxes were \$340.04, leaving a deficiency of \$3,280.30.

December 17, number 128, \$8,607.55. Did not receive the full amount. The amount due with interest was \$15,800.94, the amount bid was \$9,450.00, the costs, taxes and expenses were \$842.45, of which the taxes were \$436.75, leaving a deficiency of \$7,193.39.

December 26, number 188, \$2,280.81. Did not receive the full amount. The amount due with interest was \$7,181.34, the amount bid was \$3,000.00, the costs, taxes and expenses were \$719.19, of which the taxes were \$284.99, leaving a deficiency of \$5,000.33.

January 11, 1879, number 120, \$1,271.10. Did not receive the full amount. The amount due with interest was \$4,892.45, the amount bid was \$2,000.00, the costs, taxes and expenses were \$728.90, of which the taxes were \$ 295.99, leaving a deficiency of \$3,621.35.

January 15, number 34, \$602.91. Did not receive the full amount. The amount due with interest was \$2,080.40, the amount bid was \$1,300, the costs, taxes and expenses were \$497.10, of which the taxes were \$142.35, leaving a deficiency of \$1,278.50.

January 17, number 218, \$1,039.20. Did not receive the full amount. The amount due with interest was \$4,606.30, the amount bid was \$1,750.00, the costs, taxes and expenses were \$710.80, of which the taxes were \$290.60, leaving a deficiency of \$3,567.10.

April 5, number 231, \$1,996.11. Settlement from Fire Insurance Companies for destruction of company's property by fire, in full of the insurance.

April 17, number 231, \$4,000.00, the balance of the fire insurance premium on the property destroyed by fire.

May 2, number 129, \$1,761.80. Did not receive the full amount. The amount due with interest was \$7,259.41, the amount bid was \$2,575.00, the costs, taxes and expenses were \$813.20, of which the taxes were \$373.95, leaving a deficiency of \$5,487.61.

September 11, number 222, \$2,615.28. Did not receive the full amount. The amount due with interest was \$5,599.76, the amount bid was \$3,200, the costs, taxes and expenses were \$584.72, of which the taxes were \$208.35, leaving a deficiency of \$2,984.48.

September 11, number 190, \$4,791.23. Did not receive the full amount. The amount due with interest was \$9,268.26, the amount bid was \$5,400, the costs, taxes and expenses were \$608.77, of which the taxes were \$140.16 leaving a deficiency of \$4,477.03.

September 26, number 352, \$515.25. Did not receive the full amount. The amount due with interest was \$2,288.55, the amount

bid was \$700, bonus for assignment of bid, \$200, the costs, taxes and expenses were \$384.75, of which the taxes were \$75.79, leaving a deficiency of \$1,903.30.

November 12, number 68, \$7,937.62. Did not receive the full amount. The amount due with interest was \$14,588.48, the amount bid was \$8,400, bonus for bid \$600, the costs, taxes and expenses were \$1,062.38, of which the taxes were \$343.87, leaving a deficiency of \$7,250.86.

November 17, chattel mortgage compromised by order of court. I will produce the order, \$1,250.00.

December 1, number 35, \$1,510.00 on account of the ten per cent. purchase of the sale of property under foreclosure.

By General WINGATE:

Q. Will you state whether the receiver bid in any of the property which was covered by the mortgages which you have mentioned?

A. He has, sir.

Q. Will you state at the next meeting how much of that property he still retains, and if he has sold any, the price at which he has sold it? A. Yes, sir.

Q. Will you state what reasons there were, so far as you know, why the property on which there was a deficiency, brought so much less than the amount originally loaned? A. I do not know of my own knowledge, except from the things and causes that I have found out in the administration of the trust.

Q. Give us your best judgment? A. That they were excessive loans; and in many cases it is reported by the mortgagees that they paid a large bonus, for the purpose of getting large prices, to various individuals who acted for the Continental Life Insurance Company, and from my conversations with various real estate owners in Yonkers and in New Jersey, where these properties were, and where we had a large number of mortgages, there was an excessive amount loaned upon all the properties mentioned. And during the years that we first took possession of the assets, there was the largest depression in real estate, in my judgment and from what I have heard, ever known before.

Q. You think in the first place, the loans were improvident; and a great depression in real estate after the making of the mortgages?

A. I do, sir.

Q. These sales were made in the usual manner, and with the usual advertising? A. In the usual manner and more than the usual advertising, for in nearly every case hand-bills were posted.

Q. Did the receiver do everything he could to get the best price for property sold at auction? A. I think that he did, and that in every case it was an honest, fair and legal sale.

Q. What rule was adopted by the receiver in regard to his purchasing property which was sold by him under foreclosure? A. When he could not get a bid, or when it was so exceedingly low that we thought it for the best interest of the trust to buy in and hold for a while.

Q. As a general rule, did the receiver consider it was his duty to load up the trust with unproductive real estate? A. Decidedly, no. The old company and former receivers had allowed the taxes to accumulate until in nearly every instance it became an elephant upon

our hands. The property was not producing any thing — in very rare instances did it produce any thing — and the taxes were running. As an example, I will mention that the company loaned \$25,000 on the Marion building association property, consisting of about twelve houses, I think. And when we came into possession as receiver, the taxes had accumulated, and the property was in a terrible condition, in want of repairs. People refused to pay rent because they said we had no title. It would have cost more to dispossess in New Jersey, than the property would have brought, as I was informed by our attorneys in that State; and we were necessarily compelled to keep up the fire insurance, and upon two occasions the insurance companies refused to take the risks, and I had to hunt out for others, paying a large bonus. And then when sold, after keeping it over two years, we found out we had no title to two, and a very slight title to a third one, and the balance were so incumbered with taxes, etc., that we received \$1,727.57, I think, clear, out of the property.

Q. How much did it cost you to take care of it during the two years? A. At a rough guess, I should say about \$400.

By MR. MOSES:

Q. Have you personally had any interest in any of the property sold at foreclosure sale, or property sold by the receiver, or in the purchase thereof? A. No, sir.

Q. Has the receiver, to your knowledge or information? A. No, sir; nor any of his agents or employes; I feel positive about it, so far as human probability can carry a man's knowledge.

Q. Has there been, in any instance, a sale for a less price than could be obtained at public auction, under any arrangement, with any party, that they should purchase it for less? A. No, sir; I consider that all the arrangements of the sale of real estate have been carried on in a general systematic and business-like manner to the best interests of the trust, and in all my experience and knowledge, which has been rather great, I do not see in any possibility how any thing better could have been done with it. The receiver and myself have given personal supervision with regard to every thing connected with the real estate, and I think that many and many a dollar was saved by such supervision and attention.

By GENERAL WINGATE:

Q. Was it not the rule that, in all cases, when property was offered for foreclosure, the receiver or yourself caused an investigation to be made in regard to its price, so as to form an idea what would be realized for it, and to protect it, if it went too low? A. Yes, sir; in nearly every instance.

Q. And whenever the price paid was very much less than the value, as you had thus ascertained it, the receiver bought it in? A. Yes, sir.

By MR. MORRIS:

Q. To the best of your knowledge and belief there has been nothing in the nature of a ring in the foreclosures or sales of real estate of this

company. A. I feel positive of that ; nothing of the kind could have been done without my knowledge, as I gave the matter such careful attention.

By GENERAL WINGATE :

Q. Did the receiver or any one connected with him have any thing to do with the selection of the referee or officers who sold any of this property? A. I only know so far as the receiver is concerned ; so far as the receiver and myself are concerned we never had the naming of a referee in any instance.

By MR. MOSES :

Q. Will you look over the real estate accounts, and state the number of the pieces of property which were sold by order of court, or had to be sold without order of court? A. There were none sold or had to be sold without an order of court.

Q. Have you the orders for the sale of the several pieces of property mentioned? A. I have, sir ; and I will produce those at the next meeting. We never sold any real estate belonging to the company or to the receiver ; in other words, we never sold any real estate in which the receiver had any title, without ordered so by the court, first obtaining an order of the court.

Q. Please produce at the next meeting the orders and the petition on which the same were founded? A. Yes, sir.

Q. Can you give any explanation of why larger amounts have not been collected from agents during the period of your receivership? A. In every instance where we have made demands upon agents to settle up their accounts, they have always said the company owed them instead of their owing the company.

Q. Did you find any bonds of agents in the assets of the company when you took possession? A. I think not ; I do not recollect of any.

Q. Have any of the questions of agents' accounts been brought to trial in any legal proceeding, and if so, state what the result of that proceeding was so far as showing the correctness of the books as between the company and the agents? A. There have been several of such before referees, and in these agents have testified and brought their accounts to show that by reason of commuted insurance and other matters the company was indebted to them.

Q. Has there been any decision in those cases? A. No.

Q. Before what referee are they pending? A. Before Referee Dayton.

Adjourned to February 26, 1880, at 11 A. M.

April 7, 1880.

Parties meet and proceed.

Present: Mr. A. B. PARKER, Mr. WORK, Gen. WINGATE and Mr. MOSES.

Mr. Tobias, examination continued :

At the suggestion of counsel, Mr. Tobias supplies the various blanks in his previous testimony, which he was unable to supply at the time of testifying.

Mr. MOSES states that he has no further questions to ask Mr. Tobias on the question of the accounting, if necessary to recall him on the subject of any of the orders heretofore entered, he reserves the right for that purpose.

Mr. WORK says that at present he does not desire to examine Mr. Tobias, and may not do so at all, but he reserves the right so to do, in case he should deem it necessary on reading the testimony.

Adjourned to April 8, 1880, at 10:30 o'clock.

April 8, 1880, 10:30 A. M.

Parties meet and proceed.

Present: Mr. PARKER, Gen. WINGATE and Mr. MOSES.

Mr. Tobias produces the statement in the Binghamton property which he promised, which is as follows:

June 19, 1878, No. 180, \$3,500. Did not receive the full amount. The amount due with interest was \$4,017.66; the amount bid was \$2,300; the costs, taxes and expenses were \$358.61, of which the taxes were \$77.71, leaving a deficiency of \$2,076.27.

June 19, 1878, No. 181, \$3,500. Did not receive the full amount. The amount due with interest was \$4,017.66; the amount bid was \$2,150; the costs, taxes and expenses were \$358.61, of which the taxes were \$77.71, leaving a deficiency of \$2,226.27.

May 3, 1878, No. 182, \$3,500. Did not receive the full amount. The amount due with interest was \$3,983.34; the amount bid was \$2,050; the costs, taxes and expenses were \$360.73, of which the taxes were \$78.21; leaving a deficiency of \$2,293.76.

June 19, 1878, No. 183, \$3,500. Did not receive the full amount. The amount due with interest was \$4,017.66; the amount bid was \$2,000; the costs, taxes and expenses were \$360.73, of which the taxes were \$77.71, leaving a deficiency of \$2,378.39.

May 3, 1878, No. 184, \$3,500. Did not receive the full amount. The amount due with interest was \$3,983.24; the amount bid was \$2,050; the costs, taxes and expenses were \$360.92, of which the taxes were \$77.71, leaving a deficiency of \$2,293.66.

June 19, 1878, No. 185, \$3,500. Did not receive the full amount. The amount due with interest was \$4,017.66; the amount bid was \$1,950; the costs, taxes and expenses were \$360.73, of which the taxes were \$77.71, leaving a deficiency of \$2,428.39.

June 19, 1878. No. 186, \$3,500. Did not receive the full amount.

The amount due with interest was \$4,017.66; the amount bid was \$1,900; the costs, taxes and expenses were \$360.73, of which the taxes were \$77.71, leaving a deficiency of \$2,478.39.

No. 187, \$5,500. Did not receive the full amount. The amount due with interest was \$6,499.07; the amount bid was \$2,500; the costs, taxes and expenses were \$467.77, of which the taxes were \$155.42, leaving a deficiency of \$4,416.84.

The net proceeds in No. 186 were \$1,539.27; of this amount \$467.77 was taken to pay expenses, taxes and costs in bond and mortgage 187, in which no money was received, as the premises were bought in by the receiver.

CITY AND COUNTY OF NEW YORK, ss:

Albert C. Stowell, being duly sworn, says that he is the stenographer in the above entitled proceeding; that the above is a full and correct transcript of the testimony taken by him before the Hon. Henry J. Scudder; referee in said proceeding.

ALBERT C. STOWELL

Sworn to before me, this }
19th day of April, 1880.

J. O. TOBIAS,

Notary Public, New York City.

ORDERS OF COURT.

The following is a statement of the claims directed to be paid by the orders of court herein mentioned:

Order No. 1. — S. Kaffman, attorney..... \$13,853 17

This order was made for the purpose of paying a judgment recovered in favor of Bertha Cahen, which was a lien on the company's real estate.

Order No. 2 — Horace J. Moody..... \$703 50
Robert E. Tibbitts 83 33
Thomas Chaffee 125 78

\$912 61

This order was made to pay the balance of salaries due under Receiver Grace.

Order No. 3 — Morgan A. Dayton..... \$500 00
F. P. Fairbanks 125 00

\$625 00

This order was made for the purpose of paying the referee and stenographer for services in the accounting of W. R. Grace, late receiver.

Order No. 4 — Ashbel Green, attorney..... \$1,500 00
James Matthews, attorney..... 1,000 00

| | |
|-----------------------------------|------------|
| Wingate & Cullen, attorneys | \$2,500 00 |
| Matthew Hale, attorney | 500 00 |
| James T. Dudley, janitor..... | 358 09 |
| A. Simms, plumber | 34 15 |
| Spectator Publishing Company..... | 132 00 |

\$6,024 24

Order No. 5 — Raphael J. Moses, Jr., attorney..... 2,815 07

This order was made for the purpose of paying for disbursements, \$315.07, and \$2,500 on account of an allowance made in the action of the Attorney-General against the Continental Life Insurance Company before Receiver O'Neill entered on his duties.

Order No. 6 — Raphael J. Moses, Jr., attorney..... 430 00

This order was made for the purpose of paying a judgment in favor of L. R. Roeder, rendered prior to Receiver O'Neill's appointment, and which was a lien in real estate.

Order No. 7 — Raphael J. Moses, Jr., attorney..... 984 79

This order was made for the purpose of paying an order made on Receiver Grace for a judgment which was a lien on real estate in favor of Charles P. Hartwell, and subsequently served on present receiver.

Order No. 8 — Willie H. Warner

| | |
|-----------------------------|----------|
| A. Simms..... | \$107 34 |
| Otis Brothers..... | 102 12 |
| Skidmore & Sons..... | 76 73 |
| Edmonds & Benton | 32 00 |
| Jonas Sparks..... | 49 37 |
| King & Purcell..... | 12 00 |
| Frederick Creigier..... | 38 30 |
| J. B. & J. M. Connell | 72 50 |
| F. Greaves | 39 90 |
| James Stewart..... | 42 93 |
| Jesse Carley..... | 134 68 |
| James T. Dudley..... | 124 68 |
| | 345 00 |

\$1,170 55

This order was made for the purpose of paying the above manner for work and labor done and materials furnished to Continental building under Receiver Grace.

Order No. 9—S. Kauffman, attorney..... \$5,413 50

This order was made for the purpose of paying a judgment against the Continental Life Insurance Company on the death claim of R. Hirsch, which was a lien of real estate.

Order No. 10—Redfield & Hill, attorneys

\$1,000 00

This order was made for the purpose of paying a compromise of claim for legal services rendered before the appointment of Receiver O'Neill.

| | |
|---|----------|
| Order No. 11—Close & Robertson, attorneys | \$58 76 |
| Ellis & Sweeny, attorneys | 67 50 |
| M. Britton, attorney | 240 00 |
| G. W. Davenport, attorney | 55 00 |
| Elisha P. Ferris, attorney | 59 86 |
| John H. Clapp, attorney | 55 80 |
| Condert Brothers, attorneys | 219 88 |
| Calvin Frost, attorney | 58 00 |
| Wingate and Cullen, attorneys | 102 73 |
| | <hr/> |
| | \$917 39 |
| | <hr/> |

This order was made for the purpose of paying for legal services rendered before Receiver O'Neill entered on his duties.

| | |
|-------------------------------------|----------|
| Order No. 12—Charles P. Young | \$38 77 |
| Cady & Oakes | 26 00 |
| Globe Printing Company | 2 15 |
| Walter S. Cowles | 30 30 |
| F. R. Sprague | 42 05 |
| Albany Evening Journal | 210 00 |
| | <hr/> |
| | \$349 27 |
| | <hr/> |

This order was made for the purpose of paying expenses incurred before the appointment of Receiver O'Neill.

| | |
|---|------------|
| Order No. 13—A. A. Ramsey, attorney | \$1,324 30 |
|---|------------|

This order was made for the purpose of paying for legal services rendered the Continental Life Insurance Company, in Massachusetts. The attorney having a lien on important papers.

| | |
|---|----------|
| Order No. 14—Alexander & Green, attorneys | 1,091 13 |
|---|----------|

This order was made for the purpose of paying the legal expenses incurred in argument of Betsey Merritt, matter commenced under former receiver.

Order No. 15—John P. O'Neill.

This order was made to allow John P. O'Neill, receiver, to draw the sum of \$600 per month on account of his compensation as receiver.

| | |
|-----------------------------------|-------|
| Order No. 16—John H. Mooney | 20 00 |
|-----------------------------------|-------|

This order was made for the purpose of paying for services accountant.

| | |
|------------------------------------|----------|
| Order No. 17—Allen Pinkerton | \$320 00 |
| Redfield & Hill, attorneys | 150 00 |
| F. Smyth, referee | 100 00 |
| | <hr/> |
| | \$570 00 |
| | <hr/> |

This order was made for the purpose of paying for services rendered before the present receivership, together with allowances to the attorneys and to the referee.

Order No. 18 — Levi A. Fuller, attorney..... \$200 00

This order was made for the purpose of paying for service as referee before the appointment of Receiver O'Neill.

Order No. 19 — E. Wells Sackett & Bro 5 80

This order was made for the purpose of paying a bill of stationery under Receiver Grace.

Order No. 20 — Peckham & Tremain, attorneys..... 325 93

This order was made for the purpose of paying legal expenses incurred before the appointment of Receiver O'Neill.

Order No. 21 — Mattocks & Mason, attorneys..... 183 25

This order was made for the purpose of paying legal expenses incurred at Chicago before the appointment of Receiver O'Neill.

Order No. 22 — Betts, Atterbury & Betts, attorneys.... 1,162 68

This order was made for the purpose of paying legal expenses incurred before the insolvency of the company, and they holding a lien on many important papers.

Order No. 23 — S. A. & D. J. Noyes, attorneys..... 830 00

This order was made for the purpose of paying legal expenses incurred before the appointment of Receiver O'Neill.

Order No. 24 — Bernard Smyth..... 131 20

This order was made for the purpose of paying for services rendered as auctioneer, etc., in disposing of collateral securities held by Continental Life Insurance Company.

Order No. 25 — J. C. Carlisle..... 130 50

This order was made for the purpose of paying a stenographer.

Order No. 26 — Order confirming referee's report in the accounting of the receiver. This order was made for the purpose of fixing the rate of compensation of the receiver, allowing him five per cent on receipts and disbursements and allowing Wingate & Cullen, for fees and disbursements..... 29,300 00

J. B. Westbrook, referee 500 00

John J. Tinson, attorney..... 500 00

The amount drawn by the receiver will fully appear in the testimony annexed.

Order No. 27 — Theodore Bacon, attorney 100 00

This order was made for the purpose of paying for legal expenses incurred prior to the appointment of Receiver O'Neill.

| | |
|---|------------|
| Order No. 28 — Mills & Church, attorneys | \$28 10 |
| This order was made for the purpose of paying for services rendered in taking charge of company's property in New Jersey. | |
| Order No. 29 — Stephen English | 782 17 |
| This order was made for the purpose of paying an account against the company in which a judgment had been obtained prior to the appointment of Receiver O'Neill. | |
| Order No. 30—John P. O'Neill, receiver | 7,346 15 |
| This order was made for the purpose of paying the costs, taxes and expenses in the matter of the Pavillion and United States Spring Company, at Saratoga, in order to take title to the same. | |
| Order No. 31—John P. O'Neill, receiver | 680 15 |
| This order was made for the purpose of paying costs, taxes and expenses in the matter of Wakefield property at Saratoga in order to take title to the same. | |
| Order No. 32—John McCrone, attorney | 750 00 |
| This order was made for the purpose of paying for the services rendered and expenses incurred in the foreclosure sale of the Dwight property at Binghamton. | |
| Order No. 33—Matthew Hale, attorney | 350 00 |
| This order was made for the purpose of paying for legal expenses at Albany incurred before the appointment of Receiver O'Neill. | |
| Order No. 34—John P. O'Neill, receiver | 580 00 |
| This order was made for the purpose of paying the costs, taxes and expenses in the matter of the Ryan property at Yonkers, N. Y., in order to take title to the same. | |
| Order No. 35—J. C. Carlisle | 343 00 |
| This order was made for the purpose of paying for the services as stenographer in the Anderson reference. | |
| Order No. 36—Morgan A. Dayton, referee | 4,000 00 |
| This order was made for the purpose of paying for services as referee. | |
| Order No. 37—Order to pay dividend | 428,077 90 |
| This order was made for the purpose of paying the dividend of fifteen per cent, and on which said order there has been paid out, up to March 31, 1880, the amount above named. | |
| Order No. 38 — George Biddle, attorney | 882 64 |
| This order was made for the purpose of paying for legal services in Philadelphia incurred prior to the appointment of Receiver O'Neill. | |

Order No. 39 — John P. O'Neill, receiver..... \$1,368 41

This order was made for the purpose of paying the costs, taxes and expenses in the matter of the Ensign property at Brooklyn, in order to take title to the same.

Order No. 40 — Barnes & Hanover, attorneys..... 1,556 87

This order was made for the purpose of paying an allowance due them for services rendered prior to the appointment of Receiver O'Neill.

Order No. 41 — John P. O'Neill, receiver..... 430 16

This order was made for the purpose of paying costs, taxes and expenses in the matter of the Whiting property at Saratoga, in order to take title to the same.

Order No. 42 — John P. O'Neill, receiver..... 233 43

This order was made for the purpose of paying the costs, taxes and expenses in the matter of a lot belonging to the Pav. & U. S. Spring Co., in order to take title to the same.

Order No. 43 — F. P. Fairbanks, stenographer..... 703 25

Charles H. Russell, referee 55 00

This order was made for the purpose of paying for services of stenographer and referee.

Order No. 44 — George A. Nourse, attorney..... 122 00

This order was made for the purpose of paying for legal expenses in California, incurred before the appointment of Receiver O'Neill.

Order No. 45 — Brown & Tomlinson..... 500 00

This order was made for the purpose of paying an allowance as the representative of the Attorney-General in legal proceedings.

NOTE — At the time of the appointment of the receiver a large amount of litigation for and against the trust was pending in different States, most of which had been commenced before the insolvency of the company. Although as much as possible of this was discontinued by the receiver, and all claimants required to prove their claims here, yet to obtain possession of the papers and vouchers required for the protection of the trust, it was necessary in many cases to compromise or pay the claims of the attorneys holding the same who claimed liens thereon for their fees.

OFFICE OF JAMES D. FISH,
RECEIVER OF GLOBE MUTUAL LIFE INSURANCE COMPANY, }

NEW YORK April 15th, 1880.

HON. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR — Your circular dated April 5 was duly received on August 13, and in compliance with your request an itemized account of receipts and expenditures is now being made, but is so voluminous that it will

necessarily take some time to complete it. I was appointed receiver on June 4, 1879, by the Hon. Th. R. Westbrook, justice; came into possession June 18, 1879, and the report on the condition of the company by Actuary Phillips was submitted to the court, the Attorney-General and others on March 20, 1880. My itemized report will be sent to you at the earliest practicable moment.

Very respectfully yours,

JAMES D. FISH, *Receiver.*

Per Chs. E. V.

OFFICE OF JAMES D. FISH,
RECEIVER OF GLOBE MUTUAL LIFE INSURANCE COMPANY, }

NEW YORK, *April 29th*, 1880.

To the Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Albany, N. Y.:*

SIR — Agreeably to your request, and as early as the necessary clerical work could be done, I have the honor to submit my report, made in accordance with resolution adopted by the Assembly and received by me on April 13, 1880.

The volume of the report I hope will be sufficient excuse for the delay.

Very truly yours,

JAMES D. FISH,

Receiver Globe Mutual Life Insurance Company.

REPORT OF JAMES D. FISH, RECEIVER OF THE GLOBE MUTUAL LIFE INSURANCE COMPANY.

The appointment of James D. Fish as Receiver of the Globe Mutual Life Insurance Company was made and confirmed on June 17, 1879, by order of T. R. Westbrook, Justice Supreme Court, Albany County, New York.

The appraised value of the assets, as made by the actuary, Fred. J. Phillips, and submitted to the Supreme Court, Albany County, on March 20, 1880, is \$2,650,903.39.

No dividends have been paid.

No fees have been received by the receiver.

Itemized account of receipts and disbursements is given herewith; also, account of moneys on hand and where deposited.

The rate of interest on moneys deposited in the Central Trust Company by order of the court, has not yet been fixed.

The rate of interest on special deposit in the United States Trust Company is three per cent.

The deposit in the Oriental bank is used for current expenses and bears no interest.

Very respectfully yours,

JAMES D. FISH,

Receiver Globe Mutual Life Insurance Company.

JAMES D. FISH, RECEIVER, IN ACCOUNT WITH THE GLOBE MUTUAL
LIFE INSURANCE CO. CASH RECEIPTS FROM JUNE 18, 1879, TO
MARCH 31, 1880, INCLUSIVE.

From Agents.

| | | |
|-----------------|----------|------------|
| 1879. | | |
| June | \$174 48 | |
| July..... | 1,308 63 | |
| September | 752 93 | |
| October..... | 339 38 | |
| November | 35 74 | |
| 1880. | | |
| January..... | 56 80 | |
| February..... | 241 91 | |
| | <hr/> | \$2,909 87 |

Real Estate Rents.

| | | |
|-----------------|----------|-----------|
| 1879. | | |
| June | \$326 99 | |
| July..... | 2,213 48 | |
| August | 1,638 67 | |
| September | 2,431 13 | |
| October..... | 2,474 76 | |
| November | 2,178 91 | |
| December | 2,446 22 | |
| 1880. | | |
| January | 2,339 66 | |
| February | 2,531 74 | |
| March | 2,260 32 | |
| | <hr/> | 20,841 88 |

Real Estate Taxes.

| | | |
|---------------|---------|-------|
| 1879. | | |
| December..... | \$10 83 | |
| 1880. | | |
| January | 1 00 | |
| | <hr/> | 11 83 |

Bond, Mortgage, Capital.

| | | |
|----------------|-------------|-----------|
| 1879. | | |
| June.... | \$14,400 00 | |
| August | 9,000 00 | |
| November..... | 1,651 10 | |
| December | 15,070 00 | |
| 1880. | | |
| January | 1,500 00 | |
| March..... | 12,000 00 | |
| | <hr/> | 52,900 00 |

Bond, Mortgage, Interest.

| | | |
|-----------------|------------|-------------|
| 1879. | | |
| June | \$1,028 75 | |
| July | 1,734 62 | |
| August | 1,651 10 | |
| September | 669 95 | |
| October | 618 25 | |
| November | 1,024 05 | |
| December | 12,963 30 | |
| 1880. | | |
| January | 702 42 | |
| February | 644 69 | |
| March | 1,207 58 | |
| | | <hr/> |
| | | \$22,244 71 |

Bond and Mortgage, Fire Insurance.

| | | |
|-----------------|---------|--------|
| 1879. | | |
| June | \$15 00 | |
| July | 45 00 | |
| September | 15 00 | |
| December | 277 00 | |
| 1880. | | |
| January | 6 00 | |
| February | 8 00 | |
| | | <hr/> |
| | | 366 00 |

Stocks and Bonds, Capital.

| | | |
|----------------|-------------|-----------|
| 1880. | | |
| February | \$18,978 18 | |
| March | 5,743 75 | |
| | | <hr/> |
| | | 24,721 93 |

Stocks and Bonds, Interest.

| | | |
|-----------------|------------|-----------|
| 1879. | | |
| July | \$7,165 00 | |
| September | 1,200 00 | |
| November | 840 00 | |
| 1880. | | |
| January | 8,365 00 | |
| March | 240 00 | |
| | | <hr/> |
| | | 17,810 00 |

Expense Account.

| | | |
|----------------|--------|----------|
| 1879. | | |
| August | \$1 69 | |
| October | 500 00 | |
| December | 625 00 | |
| 1880. | | |
| March | 20 00 | |
| | | <hr/> |
| | | 1,146 69 |

Furniture and Fixtures.

| | | |
|---------------|----------|----------|
| 1879. | | |
| July..... | \$150 00 | |
| October..... | 8 00 | |
| November..... | 540 09 | |
| | <hr/> | \$698 09 |

Bills Receivable.

| | | |
|----------------|---------|--------|
| 1879. | | |
| July..... | \$50 00 | |
| August.... | 526 29 | |
| September..... | 50 00 | |
| October..... | 50 00 | |
| | <hr/> | 676 29 |

Bills Receivable — Interest.

| | | |
|----------------|---------|-------|
| 1879. | | |
| July..... | \$18 18 | |
| August..... | 10 24 | |
| September..... | 90 | |
| October..... | 1 00 | |
| 1880. | | |
| January..... | 30 | |
| February..... | 30 | |
| | <hr/> | 30 92 |

Globe Mutual Life Insurance Company — Old Account.

| | | |
|--------------|-------------|-----------|
| 1879. | | |
| June..... | \$17,600 00 | |
| August..... | 33 13 | |
| October..... | 554 42 | |
| | <hr/> | 18,188 25 |

Bills Payable — Interest.

| | | |
|---------------|--|-------|
| 1879. | | |
| November..... | | 10 14 |

Temporary Loans.

| | | |
|---------------|----------|--------|
| 1879. | | |
| August..... | \$125 00 | |
| October... | 125 00 | |
| November..... | 125 00 | |
| December..... | 125 00 | |
| 1880. | | |
| January..... | 50 00 | |
| | <hr/> | 550 00 |

American Popular Life Insurance Company.

| | | |
|---------------|--|-------|
| 1880. | | |
| February..... | | 61 25 |

Policy Loans.

| | | |
|-------------|--|------------|
| 1880. | | |
| March | | \$9,000 00 |

Policy Loan—Interest.

| | | |
|-------------|--|--------|
| 1880. | | |
| March | | 374 00 |

Central Trust Company Loan.

| | | |
|--------------|--|------------|
| 1879. | | |
| October..... | | 202,244 81 |

| | | |
|----------------------|--|---------------------|
| Total receipts | | <u>\$374,786 66</u> |
|----------------------|--|---------------------|

JAMES D. FISH, RECEIVER, IN ACCOUNT WITH THE GLOBE MUTUAL LIFE INSURANCE COMPANY. CASH DISBURSEMENTS FROM JUNE 18, 1879, TO MARCH 31, 1880, INCLUSIVE.

Real Estate Fire Insurance.

| | | | |
|------------|---|----------|-----------------|
| 1879. | | | |
| July, | Paid New York Fire Insurance Company..... | \$70 50 | |
| o | Pacific Fire Insurance Company | 70 50 | |
| do | John Green, agent..... | 108 37 | |
| | | | <u>\$249 37</u> |
| August, | Paid New York Fire Insurance Company..... | \$116 75 | |
| do | Pacific Fire Insurance Company | 116 75 | |
| | | | <u>233 50</u> |
| September, | Paid Royal Fire Insurance Company, of Liverpool.. | \$45 52 | |
| do | New York Fire Insurance Company | 12 50 | |
| do | Pacific Fire Insurance Company | 12 50 | |
| | | | <u>70 52</u> |
| October, | Paid Pacific Fire Insurance Company | \$18 56 | |
| do | New York Fire Insurance Company | 33 46 | |
| | | | <u>52 02</u> |
| November, | Paid New York Fire Insurance Company | \$100 25 | |
| do | Pacific Fire Insurance Company | 100 25 | |
| | | | <u>200 50</u> |
| December, | Paid Lancashire Fire Insurance Company | 40 00 | |
| | | | <u>40 00</u> |

1880.

| | | | |
|-----------|--|---------|----------|
| January, | Paid Lancashire Fire Insurance Company | \$4 00 | |
| do | Beecher, Benedict, agents... | 20 00 | |
| do | Guardian Insurance Company of London..... | 20 00 | |
| do | New York Insurance Company | 47 50 | |
| do | Pacific Insurance Company. | 47 50 | |
| | | | \$139 00 |
| February, | Paid Royal Insurance Company | \$40 00 | |
| do | Continental Insurance Company | 40 00 | |
| | | | 80 00 |
| March | Paid New York Insurance Company | \$73 50 | |
| do | Pacific Insurance Company. | 73 50 | |
| | | | 147 00 |

Real Estate Taxes and Interest.

1879.

| | | | |
|------------|---|------------|----------|
| July, | Paid N. Y. city water taxes | \$239 00 | |
| do | New Jersey State, county taxes | 680 68 | |
| do | New Brighton, Richmond county taxes | 268 23 | |
| do | Brooklyn, N. Y., water taxes. | 532 67 | |
| do | Village of South Nyack, taxes | 12 82 | |
| | | | 1,733 40 |
| August, | Paid Elizabeth city, N. J | \$82 72 | |
| | | | 82 72 |
| September, | Paid New York Life Insurance Company, interest. | \$846 00 | |
| do | Clinton Township, N. J., tax | 105 60 | |
| | | | 951 60 |
| November, | Paid New York city taxes. | \$4,573 05 | |
| do | New York city water tax arrears..... | 8 05 | |
| do | Raritan Township, N. J., tax | 24 84 | |
| | | | 4,605 94 |
| December, | Paid New York city tax arrears..... | \$1,458 41 | |
| do | Brooklyn city taxes..... | 5,195 63 | |
| | | | 6,654 04 |
| 1880 | | | |
| January, | Paid East New York taxes.. | \$67 71 | |
| do | New Lots, taxes..... | 18 36 | |
| do | New Lots, taxes,..... | 16 64 | |

| | | | |
|-----------|--|----------|----------|
| January, | Paid Nunda, N. Y., taxes .. | \$107 72 | |
| do | New Lots, taxes | 103 72 | |
| do | Harrington Township, N. J., tax | 10 21 | |
| do | Harrington Township, N. J., tax | 24 00 | |
| | | | \$348 36 |
| February, | Paid Brooklyn water tax arrears | \$32 16 | |
| do | Fanwood, N. J., tax | 19 18 | |
| do | New Windsor, tax | 92 16 | |
| do | New Providence, N. J., tax. | 191 89 | |

Real Estate Taxes, Interest Continued.

| | | | |
|------------|---|---------|--------|
| 1879. | | | |
| February, | Paid Orangetown, N. Y., tax. | \$31 97 | |
| do | Westfield Township, N. J., tax | 3 65 | |
| do | Nunda, N. Y., tax | 35 70 | |
| do | Vails Gate, tax | 16 25 | |
| do | Summit, N. J., tax | 51 81 | 474 77 |
| March, | Paid Orangetown, N. Y., tax.. | \$11 03 | |
| do | Nunda, N. Y., school tax.. | 40 63 | 51 66 |
| 1879. | | | |
| June, | Paid J. D. Platt | \$1 50 | |
| do | Manhattan Gas Light Com- pany | 10 25 | |
| do | M. W. Wells, plumber | 5 95 | |
| do | Mrs. Eustace, cleaning.... | 6 00 | |
| do | E. D. Hawkins | 90 | 23 10 |
| August, | Paid Manhattan Gas Light Company | \$2 00 | |
| do | E. D. Hawkins, for services. | 166 66 | |
| do | R. C. Brown, plumbing ... | 9 20 | |
| do | R. C. Brown, plumbing.... | 15 75 | 193 61 |
| September, | Paid D. Sullivan, flagging. | \$2 50 | |
| do | Manhattan Gas Light Com- pany | 2 60 | |
| do | P. A. Blossom, repairs | 7 50 | |
| do | D. H. Way, repairs | 4 75 | |
| do | M. McCormack, repairs.... | 73 00 | |
| do | A. M. Quick, plumbing.... | 114 22 | |

| | | | | |
|------------|------|--|---------|----------|
| September, | Paid | P. Bennett, plumbing..... | \$10 79 | |
| do | | W. T. Edwards, repairs..... | 25 77 | |
| do | | Howell, Saxton & Co. repairs | 23 00 | |
| do | | C. A. Porter, repairs..... | 15 50 | |
| do | | W. C. Vosburgh & Co., re- pairs.,..... | 6 15 | |
| do | | C. W. Keenan, paints, etc.. | 18 75 | |
| do | | P. Riley, repairs | 28 50 | |
| do | | B. Marron, painting, etc... | 62 00 | |
| do | | M. F. Carpet company..... | 37 40 | |
| do | | C. H. Cundell, repairs..... | 13 55 | |
| do | | Ferris & Neal, carpenters.. | 119 73 | |
| do | | Dean & Robinson, repairs.. | 50 68 | |
| | | | | \$616 39 |
| October, | Paid | L. Hapner & Co., painting, etc | \$11 00 | |
| do | | Manhattan Gas Light Co.. | 3 25 | |
| do | | J. Gormlay, plumbing..... | 33 00 | |
| do | | Constable fees..... | 2 00 | |
| do | | Dean & Robinson, repairs.. | 47 97 | |
| do | | State Treasurer, New York, for appraisment..... | 25 00 | |
| do | | Thos. Darragh, repairs..... | 39 00 | |
| do | | C. H. Burnell, repairs..... | 33 00 | |
| | | | | 194 22 |
| November | Paid | S. L. Molenaor, repairs..... | \$ 90 | |
| do | | B. Samuels, plumbing..... | 346 90 | |
| do | | Dean & Robinson, repairs.. | 122 67 | |
| do | | M. McCormack, repairs.... | 60 75 | |
| do | | Hopner & Co., painting, etc | 178 00 | |
| | | | | 709 22 |
| December, | Paid | N. B. Stevens, repairs..... | \$5 10 | |
| do | | S. D. Seaman, repairs..... | 18 00 | |
| do | | P. S. Conklin, plumbing... | 4 42 | |
| do | | J. Shannon, labor, etc..... | 3 50 | |
| do | | Manhattan Gas Light Co.. | 6 75 | |
| do | | T. Darragh, repairs..... | 26 00 | |
| do | | Dean & Robinson, repairs.. | 43 35 | |
| do | | B. Samuels, repairs..... | 116 06 | |
| do | | W. B. Dayton & Son, repairs | 51 60 | |
| do | | A. M. Quick, repairs..... | 13 50 | |
| | | | | 288 28 |
| 1880. | | | | |
| January | Paid | Horan & Bro., repairs..... | \$3 25 | |
| do | | R. B. Smith, repairs..... | 8 00 | |
| do | | P. Bennett, plumbing..... | 2 18 | |
| do | | Geo. Hart & Son, roofers... | 37 72 | |
| do | | L. Hopner & Co., painting, etc | 90 00 | |
| do | | R. C. Brown, plumbing.... | 21 15 | |
| do | | Dean & Robinson, plumbing | 68 82 | |
| | | | | 231 12 |

| | | | |
|-----------|--|---------|-------------------|
| February, | Paid Manhattan Gas Light Co.. | \$3 75 | |
| do | R. C. Brown, repairs..... | 12 40 | |
| do | For recording deeds..... | 1 75 | |
| do | T. M. Riley, sheriff's fees.. | 50 25 | |
| do | Dean & Robinson, plumb- ing, etc..... | 118 91 | |
| | | | \$187 06 |
| March | Paid Williamson & Contant, re- pairs..... | \$14 54 | |
| do | W. H. Borman, repairs.... | 7 50 | |
| do | Manhattan Gas Light Co... | 3 15 | |
| do | Williamson & Contant, re- pairs..... | 8 40 | |
| do | Hopner & Co., painting and repairs..... | 347 87 | |
| do | R. B. Brown, repairs..... | 5 50 | |
| do | Mitchell, Vance & Co., gas fixtures..... | 25 90 | |
| do | Dean & Robinson, repairs.. | 55 88 | |
| | | | 468 74 |
| | | | <u>\$2,913 24</u> |

Bond and Mortgage Interest.

1879.

| | | | |
|------------|---|----------|-------------------|
| September, | Paid J. F. Smyth, Supt., interest. | \$875 00 | |
| | | | \$875 00 |
| December, | Paid New York Life Ins. Co., in- terest..... | \$846 00 | |
| do | J. F. Smyth, Supt., interest | 1,500 00 | |
| do | J. F. Smyth, Supt., interest | 3,500 60 | |
| | | | 5,846 00 |
| | | | <u>\$6,721 00</u> |

Bond and Mortgage Fire Insurance.

1879.

| | | | |
|-----------|--|---------|----------|
| July | Paid Standard Fire Ins. Co. of Trenton, N. J..... | \$30 00 | |
| do | New York Fire Ins. Co. of N. Y..... | 66 50 | |
| do | Pacific Fire Ins. Co. of N. Y. | 66 50 | |
| | | | \$163 00 |
| August | Paid New York Fire Ins. Co. of N. Y..... | \$49 00 | |
| do | Pacific Fire Ins. Co. of N. Y. | 49 00 | |
| | | | 98 00 |
| September | Paid New York Fire Ins. Co. of N. Y..... | \$35 70 | |
| do | Pacific Fire Ins. Co. of N. Y. | 35 00 | |
| | | | 70 00 |

| | | | |
|-----------|----------------------------------|---------|----------|
| October, | Paid Pacific Fire Insurance Com- | | |
| | pany of New York..... | \$64 90 | |
| do | New York Insurance Com- | | |
| | pany of New York..... | 46 00 | |
| | | | \$110 90 |
| November, | Paid New York Insurance Com- | | |
| | pany of New York..... | \$63 75 | |
| do | Pacific Fire Insurance Com- | | |
| | pany of New York | 60 25 | |
| | | | 124 00 |
| December, | Paid Merchants' Fire Insurance | | |
| | Company of New York.. | \$7 50 | |
| do | Lancashire Insurance Com- | | |
| | pany of New York..... | 15 00 | |
| do | New York Insurance Com- | | |
| | pany of New York..... | 12 00 | |
| do | Pacific Insurance Company | | |
| | of New York..... | 12 00 | |
| | | | 46 50 |
| 1880. | | | |
| January, | Paid Lancashire Fire Insurance | | |
| | Company of New York, | \$15 00 | |
| do | New York Insurance Com- | | |
| | pany of New York | 27 50 | |
| do | Pacific Fire Insurance Com- | | |
| | pany of New York..... | 37 50 | |
| | | | 70 00 |
| February, | Paid Pacific Fire Insurance Com- | | |
| | pany of New York..... | \$21 00 | |
| do | New York Insurance Com- | | |
| | pany of New York | 21 00 | |
| do | Royal Insurance Company | | |
| | of Liverpool..... | 40 00 | |
| | | | 82 00 |
| March, | Paid New York Insurance Com- | | |
| | pany of New York..... | \$24 62 | |
| do | Pacific Fire Insurance Com- | | |
| | pany of New York..... | 24 62 | |
| | | | 49 24 |
| | | | \$813 64 |

Exchange and Commission.

| | | | |
|----------|--|--|--------|
| 1879. | | | |
| July, | Paid Davenport, commission on Richmond | | |
| | county bonds..... | | \$2 00 |
| 1880. | | | |
| January, | Paid Davenport, commission on Richmond | | |
| | county bonds..... | | 2 00 |
| | | | \$4 00 |

Expenses.

| | | | |
|---------|-----------------------------------|---------|---------|
| 1879. | | | |
| June, | Paid Western Union Telegraph | | |
| | Company. | \$1 95 | |
| do | Expressage | 55 | |
| do | Western Union Telegraph | | |
| | Company. | 1 95 | |
| do | American District Tele- | | |
| | graph Company. | 17 75 | |
| do | Marvin Safe and Scale Com- | | |
| | pany. | 3 25 | |
| do | Petty expenses, car fare, | | |
| | paper, etc. | 53 | |
| do | Protest on check. | 1 69 | |
| | | | \$26 87 |
| July, | Paid post-office box rent. | \$4 00 | |
| do | Western Union Telegraph | | |
| | Company. | 6 70 | |
| do | Mrs. Cushman, for care of | | |
| | office. | 15 00 | |
| do | T. J. Rush, for sprinkling | | |
| | street. | 4 00 | |
| do | Western Union Telegraph | | |
| | Company. | 30 | |
| do | Western Union Telegraph | | |
| | Company. | 38 | |
| do | New York Gas Light Com- | | |
| | pany. | 5 75 | |
| do | American District Tele- | | |
| | graph Company. | 13 32 | |
| do | Southern Express Company, | | |
| | Marvin Safe and Scale Com- | 50 | |
| do | pany. | 2 00 | |
| do | Express on package from | | |
| | Insurance Department.. | 25 | |
| do | Mrs. Cashman, for care of | | |
| | office. | 15 00 | |
| do | Petty expenses. | 3 33 | |
| | | | 70 53 |
| August, | Paid Bardsley Brothers, repairing | | |
| | furniture. | \$11 00 | |
| do | Western Union Telegraph | | |
| | company. | 4 51 | |
| do | T. J. Rush, for sprinkling | | |
| | street. | 4 00 | |
| do | American Express company | | |
| | on package. | 30 | |
| do | M. Bockett, repairs, fitting | | |
| | keys. | 1 50 | |
| do | Gold, Stock Telegraph Com- | | |
| | pany for telephone. | 4 00 | |

| | | | | |
|------------|------|--------------------------------|--------|------------|
| August, | Paid | Petty expenses, express, lock, | \$1 05 | |
| do | | W. S. Murphy, papers. . . . | 3 85 | |
| do | | Subscription N. Y. Star... | 62 | |
| do | | E. M. J. Hale, office rent.. | 375 00 | |
| do | | J. A. Whiting, do .. | 750 00 | |
| | | | | \$1,155 83 |
| September, | Paid | petty expenses..... | \$4 30 | |
| do | | M. Jones, plumbing..... | 75 | |
| do | | American District Tele- | | |
| | | graph Company..... | 5 20 | |
| do | | Marvin Safe, Scale Com- | | |
| | | pany..... | 1 00 | |
| do | | N. Y. C. and H. R. R. Co., | | |
| | | freight, two boxes..... | 6 44 | |
| do | | Subscription, Real Estate | | |
| | | Record... .. | 10 00 | |
| do | | Gold, Stock Telephone Com- | | |
| | | pany, telephone..... | 10 90 | |
| do | | Subscription, Medical Record, | 2 50 | |
| do | | T. J. Rush, sprinkling street, | 4 00 | |
| do | | Mrs. Cashman, for care of | | |
| | | office | 15 00 | |
| do | | Subscription, N. Y. Star... | 54 | |
| do | | Western Union Telegraph | | |
| | | Company..... | 1 49 | |
| do | | H. T. Booraem, account | | |
| | | traveling expenses..... | 100 00 | |
| | | | | 161 22 |
| October, | Paid | T. J. Rush, sprinkling street, | \$4 00 | |
| do | | J. Townshend, for engross- | | |
| | | ing lease | 10 00 | |
| do | | Western Union Telegraph | | |
| | | Company..... | 82 | |
| do | | United States Express Com- | | |
| | | pany..... | 2 65 | |
| do | | Western Union Telegraph | | |
| | | Company..... | 1 09 | |
| do | | Gold, Stock Telephone Com- | | |
| | | pany, telephone | 10 00 | |
| do | | Mrs. Cashman for care of | | |
| | | office | 15 00 | |
| do | | subscription N. Y. Star... | 52 | |
| do | | Bardsley Bros., repairs..... | 75 | |
| do | | Post-office box rent..... | 4 00 | |
| do | | Western Union Tel. Co.... | 1 46 | |
| do | | T. J. Rush, sprinkling street | 4 00 | |
| do | | petty expenses..... | 4 70 | |
| | | | | 58 99 |
| November | Paid | Bardsley Bros., repairing | | |
| | | furniture..... | \$2 25 | |
| do | | H. H. Upham & Co., paint- | | |
| | | ing signs..... | 69 00 | |

| | | | | |
|-----------|------|---|----------|----------|
| November, | Paid | Petty expenses..... | \$1 00 | |
| do | | T. Hanrahan & Co., rubber stamps..... | 2 00 | |
| do | | J. E. Hoppen, locks and keys..... | 9 45 | |
| do | | Gold and Stock Tel. Co., telephone..... | 10 00 | |
| do | | Western Union Tel. Co.... | 1 62 | |
| do | | Mrs. Cashman for care of office..... | 15 00 | |
| do | | subscription N. Y. Star... | 54 | |
| do | | for cleaning carpets..... | 12 75 | |
| do | | W. M. Pownall, moving safes..... | 65 00 | |
| do | | petty expenses..... | 7 76 | |
| do | | labor in moving..... | 31 50 | |
| do | | H. T. Booraem, traveling expenses..... | 25 00 | |
| | | | | \$252 87 |
| December, | Paid | F. W. De Voe & Co., for paints..... | \$2 50 | |
| do | | petty expenses, ink and paper..... | 62 | |
| do | | petty expenses, brush for copy book..... | 75 | |
| do | | American Express Co..... | 25 | |
| do | | Gold and Stock Tel. Co., telephone..... | 10 00 | |
| do | | Wm. Rogers, expense moving and fitting up office | 788 79 | |
| do | | subscription N. Y. Star... | 50 | |
| do | | E. J. M. Hale, rent of office | 1,125 00 | |
| do | | N. Y. Mutual Gas Co..... | 2 85 | |
| do | | Mrs. Cashman for care of office..... | 15 00 | |
| do | | petty expenses..... | 2 55 | |
| | | | | 1,948 81 |
| 1880. | | | | |
| January, | Paid | J. H. Wright, traveling and petty expenses..... | \$5 10 | |
| do | | A. MacCarthy, traveling and petty expenses..... | 1 94 | |
| do | | traveling exp. of Messrs. Cullen, Phillips and Booraem to Montreal..... | 280 00 | |
| do | | Manhattan Gas Light Co.. | 3 60 | |
| do | | subscription Real Estate Record..... | 7 00 | |
| do | | Post-office box rent..... | 4 00 | |
| do | | N. Y. City Ice Co., bill one year..... | 30 00 | |
| do | | Gold and Stock Tel. Co., telephone..... | 10 00 | |

| | | | |
|----------------|---|----------|-----------------|
| January, Paid | New York Mutual Gas Co. | \$1 50 | |
| do | J. H. Wright, petty ex- penses..... | 3 00 | |
| do | subscription N. Y. Star... | 54 | |
| do | petty expenses..... | 2 75 | |
| do | Mrs. Cashman for care of office..... | 15 00 | |
| do | J. H. Wright for postage stamps..... | 50 00 | |
| | | | \$414 43 |
| February, Paid | for county clerk's certificate | 50 | |
| do | N. Y. Mutual Gas Co..... | \$2 25 | |
| do | Western Union Tel. Co.... | 1 35 | |
| do | Wm. Rogers, weather strips | 8 35 | |
| do | Gold and Stock Tel. Co., telephone..... | 10 00 | |
| do | T. Hanrahan & Co., repair- stamps..... | 4 75 | |
| do | Estate of J. G. Bennett, rent..... | 645 00 | |
| do | subscription N. Y. Star.... | 54 | |
| do | Mrs. Cashman for care of office..... | 10 00 | |
| do | petty expenses..... | 3 19 | |
| | | | 685 93 |
| March, Paid | traveling exp. of Messrs. Phillips and Booraem to Richmond, Va..... | \$200 00 | |
| do | subscrip. Bullinger's Moni- tor..... | 6 00 | |
| do | Gold and Stock Tel. Co., telephone..... | 10 00 | |
| do | J. H. Wright, petty ex- penses..... | 3 50 | |
| do | N. Y. Mutual Gas Co..... | 2 25 | |
| do | subscription N. Y. Star.... | 50 | |
| do | Mrs. Cashman for care of office..... | 10 00 | |
| do | petty expenses..... | 2 10 | |
| do | F. J. Phillips, traveling ex- penses to Kingston..... | 10 00 | |
| | | | \$244 35 |

\$5,019 83*Salaries.*

| | | |
|------------|---------------------|---------|
| 1879. | | |
| July, Paid | Henry Finnegan..... | \$35 00 |
| do | H. T. Booraem..... | 90 27 |
| do | J. H. Wright | 90 27 |
| do | W. I. Brooks..... | 90 27 |
| do | H. T. Booraem | 166 66 |

| | | | | |
|------------|------|--|------------|------------|
| July, | Paid | W. I. Brooks | \$166 66 | |
| do | | J. H. Wright | 166 66 | |
| do | | H. Finnegan | 36 34 | |
| do | | C. E. Wendt | 334 44 | |
| do | | J. S. Paterson | 200 00 | |
| do | | J. Pooton | 74 20 | |
| do | | G. M. Gale | 74 20 | |
| do | | W. C. Ferriday | 67 75 | |
| | | | | \$1,592 72 |
| August, | Paid | F. J. Phillips | \$1,000 00 | |
| do | | J. S. Paterson | 100 00 | |
| do | | J. H. Wright | 169 66 | |
| do | | H. T. Booraem | 166 66 | |
| do | | W. I. Brooks | 166 66 | |
| do | | R. MacCarthy | 125 00 | |
| do | | H. Finnegan | 50 00 | |
| do | | C. E. Wendt | 233 33 | |
| do | | J. Poorton | 100 00 | |
| do | | G. M. Gale | 100 00 | |
| do | | W. C. Ferriday | 100 00 | |
| | | | | 2,308 31 |
| September, | Paid | F. J. Phillips | \$1,000 00 | |
| do | | J. H. Wright | 166 66 | |
| do | | H. T. Booraem | 166 66 | |
| do | | W. I. Brooks | 166 66 | |
| do | | H. Finnegan | 50 00 | |
| do | | C. E. Wendt | 233 33 | |
| do | | J. Pooton | 100 00 | |
| do | | G. M. Gale | 100 00 | |
| do | | W. C. Ferriday | 100 00 | |
| do | | R. MacCarthy | 125 00 | |
| do | | W. H. McCall | 156 66 | |
| do | | H. T. Booraem, extra ser- vices | 83 34 | |
| | | | | 2,448 31 |
| October, | Paid | H. T. Booraem | \$41 67 | |
| do | | H. T. Booraem | 50 00 | |
| do | | F. J. Phillips | 1,000 00 | |
| | | | | 1,091 67 |
| November, | Paid | J. H. Wright | \$166 65 | |
| do | | H. T. Booraem | 116 66 | |
| do | | W. I. Brooks | 166 66 | |
| do | | H. Finnegan | 50 00 | |
| do | | C. E. Wendt | 233 33 | |
| do | | J. Pooton | 100 00 | |
| do | | G. M. Gale | 100 00 | |
| do | | W. C. Ferriday | 100 00 | |
| do | | R. MacCarthy | 100 00 | |
| do | | W. H. McCall | 100 00 | |
| do | | H. T. Booraem, extra ser- vices | 41 67 | |
| | | | | 1,274 87 |

| | | | |
|-----------|--|----------|------------|
| December. | Paid J. H. Wright..... | \$166 66 | |
| do | H. T. Booraem | 166 66 | |
| do | W. I. Brooks | 166 66 | |
| do | H. Finnegan | 50 00 | |
| do | R. MacCarthy..... | 150 00 | |
| do | C. E. Wendt | 233 33 | |
| do | J. Pooton..... | 100 00 | |
| do | G. M. Gale | 100 00 | |
| do | W. C. Ferriday | 100 00 | |
| do | W. H. McCall..... | 100 00 | |
| do | H. T. Booraem, extra ser- vices | 41 66 | |
| do | J. H. Wright | 166 66 | |
| do | H. T. Booraem | 166 66 | |
| do | W. I. Brooks..... | 166 66 | |
| do | H. Finnegan | 50 00 | |
| do | C. E. Wendt | 233 34 | |
| do | R. MacCarthy | 125 00 | |
| do | J. Pooton..... | 100 00 | |
| do | G. M. Gale | 100 00 | |
| do | W. C. Ferriday | 100 00 | |
| | | | \$2,583 29 |
| 1880. | | | |
| January, | Paid H. T. Booraem..... | \$41 66 | |
| do | F. J. Phillips | 200 00 | |
| | | | 241 66 |
| February, | Paid H. T. Booraem | \$41 66 | |
| do | W. C. Ferriday | 100 00 | |
| do | J. H. Wright..... | 166 66 | |
| do | H. T. Booraem..... | 166 66 | |
| do | W. I. Brooks..... | 166 66 | |
| do | H. Finnegan | 50 00 | |
| do | R. MacCarthy..... | 125 00 | |
| do | C. E. Wendt..... | 233 33 | |
| do | J. Pooton..... | 100 00 | |
| do | G. M. Gale..... | 100 00 | |
| do | W. H. McCall..... | 100 00 | |
| do | F. J. Phillips..... | 500 00 | |
| do | W. H. McCall..... | 150 00 | |
| do | C. E. Wendt..... | 233 34 | |
| do | J. H. Wright..... | 166 66 | |
| do | H. T. Booraem | 166 66 | |
| do | W. I. Brooks..... | 166 66 | |
| do | R. MacCarthy..... | 125 00 | |
| do | H. Finnegan..... | 50 00 | |
| do | J. Pooton..... | 100 00 | |
| do | G. M. Gale..... | 100 00 | |
| | | | 3,108 29 |
| March, | Paid H. T. Booraem..... | \$133 32 | |
| do | G. M. Gale | 80 00 | |
| do | C. E. Wendt | 233 33 | |

| | | | | |
|--------|------|--------------------|----------|-------------|
| March, | Paid | J. H. Wright..... | \$166 66 | |
| do | | H. T. Booraem..... | 116 66 | |
| do | | W. I. Brooks..... | 166 66 | |
| do | | R. MacCarthy..... | 125 00 | |
| do | | H. Finnegan..... | 50 00 | |
| do | | J. Pooton..... | 100 00 | |
| | | | <hr/> | \$1,141 63 |
| | | | | <hr/> |
| | | | | \$15,790 86 |
| | | | | <hr/> |

Stationery and Printing.

1879.

| | | | | |
|------------|------|---|---------|----------|
| July | Paid | C. A. Mignard..... | \$5 50 | |
| do | | W. A. Merritt..... | 3 50 | |
| | Paid | Schmidt & Curtius..... | 2 75 | |
| do | | Griffith & Byrne, paper, blanks, circulars..... | 54 75 | |
| | | | <hr/> | \$66 50 |
| August, | Paid | R. Burnett, blank book.... | \$ 50 | |
| do | | M. B. Brown..... | 23 00 | |
| | | | <hr/> | 23 50 |
| September, | Paid | M. B. Brown..... | \$6 00 | |
| | | | <hr/> | 6 00 |
| October, | Paid | M. B. Brown..... | \$2 00 | |
| | | | <hr/> | 2 00 |
| November, | Paid | M. B. Brown..... | \$15 20 | |
| | | | <hr/> | 15 20 |
| December, | Paid | for blank book..... | \$1 25 | |
| do | | M. B. Brown..... | 16 50 | |
| do | | For blank book for actuary. | 1 25 | |
| | | | <hr/> | 19 00 |
| 1880. | | | | |
| January, | Paid | M. B. Brown..... | \$2 50 | |
| | | | <hr/> | 2 50 |
| February, | Paid | M. B. Brown..... | \$11 25 | |
| | | | <hr/> | 11 25 |
| March, | Paid | for covers for books (canvas) | \$1 76 | |
| do | | M. B. Brown, receipts, cir- culars, etc..... | 16 00 | |
| do | | For blank book.... | 98 | |
| do | | C. G. Burgoyne, for 500 copies actuary's report.. | 25 00 | |
| do | | C. G. Burgoyne, for 500 copies of actuary's report | 130 32 | |
| | | | <hr/> | 174 06 |
| | | | | <hr/> |
| | | | | \$320 01 |
| | | | | <hr/> |

1879.

Legal Expenses.

| | | | | |
|-------|------|------------------------------|------------|------------|
| June, | Paid | J. S. McCook, retainer | \$1,000 00 | |
| do | | Willard Bartlett, retainer.. | 1,000 00 | |
| | | | <hr/> | \$2,000 00 |

| | | | |
|------------|---|----------|------------|
| July, | Paid Bethune & Bethune, Mon- treal, legal services..... | \$100 00 | |
| | | | \$100 00 |
| August, | Paid Frank Sperry, stenographer. | \$70 00 | |
| do | J. S. Wise, legal services and expenses | 100 00 | |
| | | | 170 00 |
| September, | Paid C. H. Remy, legal services. | \$100 00 | |
| do | Jas. H. Shields, legal services | 100 00 | |
| | | | 200 00 |
| October, | Paid Robert Harbison, legal ser- vices and expenses | \$217 10 | |
| do | Remy & Chumasero, legal services | 50 00 | |
| | | | 267 10 |
| November, | Paid Willard Bartlett, legal ser- vices and expenses | \$500 00 | |
| do | J. S. McCook, legal services and expenses | 1,000 00 | |
| do | Isaac Dayton, register's fees | 103 75 | |
| do | Wingate & Cullen, fees and expenses | 650 25 | |
| | | | \$2,254 00 |
| December, | Paid H. E. Street, notary public. | \$12 00 | |
| do | Neil J. Brown, Memphis, re- tainer | 200 00 | |
| do | Wingate & Cullen, fees and expenses | 38 83 | |
| do | H. F. Dix, Memphis, re- tainer | 100 00 | |
| do | Robt. Harbison, legal ser- vices. | 25 00 | |
| | | | 375 83 |
| 1880. | | | |
| January | Paid H. F. Dix, Memphis, legal services..... | \$11 35 | |
| do | J. F. Andrew, Boston, legal expenses..... | 175 00 | |
| do | Wingate & Cullen, referee's fees..... | 63 50 | |
| do | Wingate & Cullen, expenses | 30 66 | |
| do | J. L. Marcellus, per order of court..... | 1,836 35 | |
| | | | 2,116 86 |
| February | Paid Wise & Hobson, Richmond, Va., legal services..... | \$189 82 | |
| do | J. H. Lewis, Richmond, Va., legal services..... | 52 09 | |
| do | Wingate & Cullen, expenses | 32 64 | |
| do | J. Bendernagle, New Or- leans, for taking deposi- tion..... | 20 40 | |

| | | | | |
|-----------|------|--------------------------------|----------|-------------------|
| February, | Paid | J. A. Taylor, legal services. | \$300 00 | |
| do | | J. C. Shipley, for services | | |
| | | in suit of L. D. Bauer.. | 25 00 | |
| do | | Hansen, legal services | 250 00 | |
| | | | | \$869 95 |
| March, | Paid | Wingate & Cullen, expenses | \$81 08 | |
| do | | for county clerk's certificate | 25 | |
| do | | W. P. Harris..... | 10 00 | |
| | | | | 91 33 |
| | | | | <u>\$8,445 07</u> |

Globe Mutual Life Insurance Company — Old account.

| | | | | |
|-------|------|--------------------------|---------|----------------|
| 1879. | | | | |
| July | Paid | for W. O. Wolfe's check, | | |
| | | protest..... | \$25 43 | |
| | | | | <u>\$25 43</u> |

Real Estate Commission.

| | | | | |
|-------|------|----------------------|--------|---------------|
| 1879. | | | | |
| June | Paid | A. H. Olmstead | \$3 40 | |
| | | | | <u>\$3 40</u> |

Bills payable — Interest.

| | | | | |
|----------|------|-----------------------------|------------|-------------------|
| 1879. | | | | |
| July | Paid | National Park bank, inter- | | |
| | | est on temporary loan.. | \$2,195 00 | |
| | | | | \$2,195 00 |
| October | Paid | National Park bank, inter- | | |
| | | est on temporary loan.. | \$3,244 81 | |
| | | | | 3,244 81 |
| December | Paid | Central Trust Co., interest | | |
| | | on temporary loan..... | \$2,662 89 | |
| | | | | 2,662 89 |
| | | | | <u>\$8,102 70</u> |

Bond and Mortgage expense account.

| | | | | |
|----------|------|------------------------------|---------|---------|
| 1879. | | | | |
| August | Paid | taxes Union township, N. J., | \$72 77 | |
| | | | | \$72 77 |
| October | Paid | for cleaning cellars..... | \$27 00 | |
| do | | Dean & Robinson, for re- | | |
| | | pairs..... | 14 75 | |
| | | | | 41 75 |
| November | Paid | Whitehead & Bragaw, for re- | | |
| | | pairs..... | \$21 32 | |
| do | | Dean & Robinson, for re- | | |
| | | pairs..... | 6 75 | |
| | | | | 28 07 |

1880.

| | | | | |
|----------|------|------------------------------------|---------|-----------------|
| January | Paid | Dean & Robinson, for repairs..... | \$12 60 | \$12 60 |
| February | Paid | Dean & Robinson, for repairs | \$13 00 | 13 00 |
| March | Paid | Williamson, contract..... | \$17 52 | 17 52 |
| | | | | <u>\$185 71</u> |

National Park Bank loan.

1879.

| | | | |
|---------|------|--|--------------|
| October | Paid | National Park bank loan through Central Trust Company..... | \$199,000 00 |
|---------|------|--|--------------|

Policy-holder's account.

1880.

| | | | | |
|-------------------------|------|---|------------|---------------------|
| March | Paid | premiums returned to policy-holders by order of court | \$223 10 | \$223 10 |
| do | | judgment in favor of Ware, No. 26,710..... | \$5,433 79 | |
| do | | policy No. 34,974, G. O. Eyrick..... | 277 75 | |
| do | | policy No. 628, J. Lorillard | 10,000 00 | |
| do | | judgment, order No. 7.... | 1,991 30 | |
| do | | judgment, order No. 8.... | 3,544 65 | |
| | | | | <u>\$21,247 40</u> |
| | | | | <u>\$21,470 59</u> |
| Total disbursements.... | | | | <u>\$284,929 88</u> |

Recapitulation.

| | |
|--------------------------|--------------|
| Total receipts..... | \$374,786 66 |
| Total disbursements..... | 284,929 88 |

| | |
|------------------------------------|--------------------|
| Balance on hand April 1, 1880..... | <u>\$89,856 78</u> |
|------------------------------------|--------------------|

| | |
|--------------------------------|-------------|
| Cash in Central Trust Co..... | \$73,137 00 |
| do United States Trust Co..... | 11,000 00 |
| do Oriental bank.... | 5,249 12 |
| do Office..... | 479 66 |

| | |
|------------------------------------|--------------------|
| Balance cash on hand as above..... | <u>\$89,856 78</u> |
|------------------------------------|--------------------|

Hon. CHARLES S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany* :

SIR — In response to your circular of the 5th covering resolutions of the honorable, the Assembly of the State of New York, adopted March 31, 1880, directing the Committee on Insurance to report certain facts, and calling upon me as receiver of certain life insurance companies to furnish the information required by the resolutions, I beg to report as follows :

I was appointed receiver of the North America Life Insurance Company, the Guardian Mutual Life Insurance Company, the Widows' and Orphans' Benefit Life Insurance Company, and the Reserve Mutual Life Insurance Company, all of the city of New York, and the New York State Life Insurance Company, of the city of Syracuse, on the 8th day of March, 1877, by Justice Landon, of the Supreme Court, at Schenectady, N. Y.

It may occasion surprise to your committee that I should have been appointed receiver of five insolvent life insurance companies at one and the same time ; the fact, however, that these companies had become insolvent in their relations and properties by contracts of re-insurance, transfer of policy interests and general management, until they had finally by a sort of amalgamation come under the control of a single outside company, to wit: The Universal Life Insurance Company, of New York, and had thereby become entangled in a common catastrophe, sufficiently explains the circumstances and the necessities of the case.

For these reasons, also, I am led to embody the information you have called for in a single communication.

At the time of my appointment the substantial assets of all the five companies, exclusive of the deposits in the Insurance Department which have never been under my control, had already been transferred to and were held by the Universal Life Insurance Company.

The property which came into my possession was relatively of small and uncertain value.

Several claims of considerable magnitude I found already the subject of litigation, or so involved in misunderstandings as to force litigation upon me.

I have so far made considerable recovery and anticipate further.

And first, in respect of the North America Life Insurance Company.

Pursuant to the provisions of Section 8 of Chapter 902 of the Laws of 1869, an actuary was promptly appointed to investigate the condition of the company, and his report, a copy of which is hereto appended, embodies a complete statement of the assets of the company at date of my appointment, with such appraisal of the same as was practicable.

From the assets which came into my possession I have realized, to April 1, 1880 the sum of \$108,832.94, in which is included \$12,165.57 of interest and \$40,401.31 of rentals.

The expenditures of the receivership to April 1st have been as follows :

| | |
|---|-------------|
| Taxes, arrears and assessments upon real estate..... | \$32,047 42 |
| Fire insurance..... | 3,584 63 |
| Repairs on real estate | 5,631 29 |
| Real estate account, miscellaneous payments | 1,173 90 |
| Interest on mortgages | 6,845 00 |
| Premiums returned | 889 30 |
| Judgment | 377 28 |
| Salaries, actuary office clerks, real estate clerk, janitor, etc | 36,124 50 |
| Printing and stationery..... | 903 61 |
| Advertising | 487 69 |

Law Expenses.

| | |
|---|-----------|
| Peckham & Tremain, and Rufus W. Peckham, \$5,562.01, A. Van Linderen, \$1,250.00 ; W. H. Peckham, \$500.00; Ould & Carrington, \$766.00 ; miscellaneous \$2,096.37. | 10,172 38 |
|---|-----------|

General Expenses.

| | |
|---|---------------------|
| Including rents, postage, office and travelling expenses,etc. | 5,707 60 |
| Total..... | <u>\$103,944 60</u> |

In respect to "The Guardian Mutual," "The New York State," "The Widows' and Orphans Benefit," and "The Reserve Mutual" Companies :

From the miscellaneous assets of these companies, which came into my possession as receiver and which were more particularly enumerated and described in my report to the Supreme Court, made September 29, 1877, copy of which is hereto appended.

I have realized to April 1, 1880, the sum of \$100,580.30 including \$66,341.25 as the result of various legal proceedings to which I have heretofore adverted.

The expenditures of these receiverships, which have necessarily been very largely made in common and must so continue till the final adjudication of the several interests involved and which include legal expenses in connection with several cases of magnitude still undetermined have been as follows :

Real Estate.

| | |
|---------------------------|----------|
| Taxes and arrears..... | \$117 23 |
| Fire insurance..... | 419 48 |
| Foreclosure charges | 589 17 |
| Premiums returned | 1,384 12 |
| Agency claim | 100 00 |

Salaries.

| | |
|-------------------------------------|-----------|
| Actuaries, office clerks, etc | 12,553 05 |
|-------------------------------------|-----------|

Law Expenses.

| | |
|---|--------------------|
| Peckham & Tremain, and R. W. Peckham, \$6,560.20 ; | |
| W. C. Trull, \$3,225.00 ; Ould & Carrington, \$500.00 ; | |
| Hon. J. T. Hoffman, \$490.70 ; miscellaneous, \$2,047.84. | \$12,823 74 |
| Printing and stationery, \$964.05 ; advertising, \$829.70.. | 1,793 75 |
| General expenses, including rents, postage, office and travelling expenses..... | 5,175 11 |
| Reference expenses..... | 300 00 |
| Interest returned..... | 980 00 |
| Total..... | <u>\$36,235 65</u> |

By the orders of the supreme court, appointing me receiver of the property of the five companies, the assets deposited with the Superintendent of the Insurance Department were specially excepted and have never come into my possession.

These deposits were nominally \$100,000 for each of the companies, constituting the general fund of each, as required by law at the date of their organization, and in the case of "The North America," a further deposit, nominally of about \$1,100,000, constituting the special fund of that company and made in accordance with the provisions of chapter 902 of the laws of 1869.

These amounts, however, were largely in excess of the actual value of the securities.

In compliance with the provisions of section 8 of chapter 902 of the Laws of 1869, I have received from the Superintendent various sums, amounting in the aggregate to \$727,326.43, as proceeds in part of the securities constituting the special fund aforesaid of the North America in his hands, for the benefit of the holders of registered policies and annuities.

I have also received from the superintendent, by virtue of an order of Justice Learned, of the supreme court, an amount of \$23,000 in United States bonds, for account of the Reserve Mutual Life Insurance Company.

When first appointed, I found the cash balance of the North America Life Insurance Co. amounting to \$924.67, on deposit in the American Exchange Nat. Bank of New York city.

The corresponding balance of the Guardian company, on which was also included whatever might belong to the three other companies and amounting to \$2,374.24, was on deposit in the Chatham Nat. Bank of New York city.

I have continued to use these banks as the depositories of whatever sums have been required for the current expenses of my trusts.

All other sums have been loaned on government securities at rates of interest from $3\frac{1}{2}$ to 4 per cent per annum, and so remain.

The referee appointed by the court to ascertain and report all claims, demands and liabilities against the said several companies, has made his report in each of said companies and they are now before the court for determination, as the basis for and preparatory to the declaration of a dividend.

Various parties aggrieved by the decisions have made exceptions, and as I am advised propose to appeal to the higher court for a review.

As a consequence of the exceeding number of claimants, the entanglement of interests and the character of widely scattered assets, the multiplicity of accounts has been great and any further enumeration of details than I have made will, I suppose, scarcely be desired. It may be proper, however, to refer your committee for further particulars, as to receipts and expenditures, to the statements which have been heretofore regularly and annually submitted to the insurance department under oath, and which will be found in the printed annual reports of the superintendent.

I desire to afford the fullest information, as to the matters in my charge, and shall be pleased to answer any specific inquiries you may wish to make or to appear personally before your committee whenever I may be summoned.

Which is respectfully submitted,
H. R. PIERSON,

Dated NEW YORK, *April 22, 1880.*

Receiver, etc.

NORTH AMERICA LIFE INSURANCE COMPANY, }
NEW YORK, *April 27th, 1880.* }

Hon. C. S. BAKER, *Chairman Committee on Insurance, Assembly Chamber, Albany, N. Y.:*

SIR — I beg to send you herein report of actuary in North America Life Insurance Company, and referred to by me in the communication I had the honor to send you on the 24th inst., and which I neglected to inclose as purposed. I am, sir,

Very respectfully, yours, etc.,

H. R. PIERSON,
Receiver.

The Hon. C. S. BAKER, *Assembly.*

THE NORTH AMERICA LIFE.

REPORT OF ACTUARY KEYES.

Figures that will interest policy-holders — Result of a thorough investigation — Liabilities of the company — Apparent and real value of the mortgages — How to value the registered policy claims.

Henry R. Pierson, the receiver of the North America Life Insurance Company, recently appointed Emerson W. Keyes actuary of the company. Mr. Keyes has examined the books of the company and made estimates of the value of its mortgages and property and the amount of its liabilities. He submitted an elaborate report of the result of his investigation to the Supreme Court on October 3. As this report cannot fail of being read with interest by all the owners of life insurance policies in the unfortunate company, it is printed in full below :

SUPREME COURT, STATE OF NEW YORK, }
SCHENECTADY COUNTY. }

In the matter of the North America Life Insurance Company of New York :

Pursuant to the requirements of section 8, of chapter 902, of the

laws of 1869, under which his appointment was made, and by which his duties are defined, the undersigned, the actuary appointed by the receiver, with the approval of the Superintendent of the Insurance Department, submits herewith to the Honorable the Supreme Court a report upon the condition of the North America Life Insurance Company.

The actuary finds himself confronted with the following situation, which he hopes may serve as a justification for presenting to the court any thing short of a complete and exhaustive review and exposition of the affairs and condition of this company. Certain material questions affecting the immediate status of the company, the powers and duties of the receiver, and vitally affecting the rights and interests of policyholders are, under the law and the orders of this court thereon, at present undetermined; whereby the legitimate and natural functions of the receiver are suspended, or impaired in their exercise, and policyholders are kept in a state of doubt and suspense concerning their duties and their rights, which adds to their anxiety and intensifies their distress — as each day's delay makes more hopeless the prospect of their ability to resume the payment of premiums upon their policies should such resumption be finally decreed by the order of this court. In view, therefore, of the emergency of the situation, and of the interests imperilled by delay, the actuary submits this general survey of the condition of the North America Life Insurance Company, under the conviction that, being correct and true in its statement of fact, and in the conclusions drawn therefrom, it may, without being complete and exhaustive, serve its purpose as an authentic source of information upon which the court may safely proceed in setting in operation those orderly processes in the course and administration of justice which shall eventuate in a final determination of the rights and interests of all who have part in, or sustain intimate, or even remote relations to the affairs of this ill-fated corporation. Should this view of what is herewith presented, and of the use that may be made of it by the court, be too sanguine, and this statement, in either form or substance, prove unsatisfactory to the mind of the court, or inadequate to its use, or should other and further facts be required to substantiate or to supplement what is herein contained, it will be the pleasure, at it will be the duty of the actuary, to take the further orders of the court thereon.

STATEMENT OF THE QUESTION.

A clear and definite statement of the question, which it is the purpose of this exposition to meet and to answer, seems desirable, if only to operate as a restraint upon the actuary, in confining him to a presentation of those facts, and a discussion of those topics only which are relevant to the question as so defined and limited.

The condition of the North America Life Insurance Company is to be ascertained, and to be set forth in this report, with a view, primarily at least, to its bearing upon the following question :

Whether "the securities deposited by said company in the Insurance Department, and the assets and credits including the future premiums that will mature on the outstanding policies and other obligations of said company, are sufficient, under the laws of this State, to pay all

the policies, annuities, and other obligations of said company, as they may mature by the terms thereof, and the legal costs and expenses incident to the business."

Hereon, the actuary does not understand his duty to be discharged by a statement of the conclusions which he may himself have reached in this matter, and which might be given in three words, but that he is required to present, in such form as shall be intelligible to the court, the facts which "a careful investigation," so far as prosecuted, has enabled him to find, bearing upon this question, together with such discussion of these facts and their bearings, as will justify, or at least cause to appear rational and reasonable, the conclusions of the report. Following the line of inquiry indicated under our "Statement of the Question," the natural and logical order of presentment seems to be:

First, to set forth a general and comprehensive view of the company's business, which shall exhibit the character and magnitude of the undertaking "to pay off all the obligations of the company as the same shall mature by the terms thereof."

Secondly, to give in detail the nature and condition of these obligations as liabilities already matured and payable, or convertible into the equivalent of an existing liability, which liabilities, under the laws of this State, require a given and corresponding amount of assets and credits, called "reserves," together with future premiums receivable, to fully satisfy and discharge; and—

Third and finally to exhibit the condition of the assets and credits of the company, in respect to their amount, character, present and prospective value, and all other particulars which may help to determine their sufficiency, together with future premiums to be received, to meet and discharge the "obligations of the company as the same shall mature by the terms thereof."

In this it will be the aim of the actuary, so far as possible, to set forth the facts and conditions of our problem in the simplest and plainest language, and as free as may be from technical or professional terms, the employment of which not unfrequently tends to confuse rather than to enlighten the mind of any but an insurance expert. The initial point of time at which the condition of the company is herein set forth, and to which our computations and estimates primarily refer, is that upon which the receiver was appointed—March 8, last. At the same time, changes in the character or condition of properties, or in the situation generally, which have occurred since that date, and which materially affect the condition to be described, or which, though not in themselves material, clearly indicate the course of events, and help us to determine the value of the future as a recuperative force that may make good existing deficiencies, will be noted for the information of the court, and the general enlightenment of the subject.

As the actuary reads and interprets the law under which this exposition of the condition of the company is to be made, unless he shall find and the court shall confirm the finding, that the entire resources of the company, wherever held, or howsoever derived, are sufficient, according to the law of this State, to meet all the obligations of the company, the court will not order, and will have no power to order the receiver to continue the business and operations of the company by

collecting premiums and paying claims as they shall mature. But a theory of interpretation of the law is entertained in some quarters, to the effect that if the registered policy business and account of the company taken by itself, separate and apart from the general, or non-registered business, shall be found in a condition that will enable the receiver to carry it on as such separate and independent business, then it will be the duty of the court to decree such separation of the registered and non-registered interests, and to order the business of the former to be continued by the receiver—through the collection of its premiums and the payment of its obligations as these shall mature.

To meet and accommodate the conditions and requirements of this theory of the law, the actuary will, for the better information of the court, and for the general enlightenment of parties interested in the facts and conclusions of this report, in addition to all general statements of the entire business of the company further and separately set forth the like facts and conditions concerning the registered and non-registered business of the company. Such separate statement will serve the further purpose of bringing into relief the practical operation and results of the registry system as a protection to policyholders—and possibly of suggesting wherein, by more carefully matured legislation, and by more vigorous and efficient administration thereby secured, the defects in the system as herein disclosed may be remedied. Having disposed of this introductory matter—which the actuary hopes may help to a better understanding of what is to follow—he is prepared to enter upon a statement of the results of his investigation.

I. THE GENERAL SITUATION.

The whole number of policies represented on the books of the company as being in force on the 8, of March last was 5,458. These embrace nearly all the forms of policy issued by any company; such as whole-life, with annual premiums; whole-life, with limited payments, as for five, ten, or some other number of years; joint-lives; endowments, maturing all along from the present time, during from one to twenty or more years; annuities, which seem to defy the tables of mortality; and paid-up policies—that veritable “Old Man of the Sea” which modern insurance has taken upon its shoulders to the demoralization of the business. The insured under these policies range in age from twelve to seventy-eight years, with an expectation of life varying from five to forty-five years, and realize a mortality that calls for the payment of some \$200,000 annually. Of the 5,458 policies conceded to be in force, there are registered, 1,490, non-registered, 3,968. The amount of assurance in force under these policies, including dividend additions, etc., is \$8,032,800, averaging to each \$1,472.

Of this amount there is insured under registered policies \$3,510,814, averaging to each \$2,356, and under non-registered policies \$4,521,986, averaging to each \$1,140. These dividend additions are additions made from time to time to the original sums assured, on account of estimated or alleged profits; in fact, from surplus arising, or that ought to arise, from the excess of premium paid over the cost of assurance. Certain foreign policies with these dividends or additions declared upon them (and which in Europe are known by the name of

reversionary bonuses), were reinsured by the North America Life Insurance Company, which agreed to assume these reversionary bonuses; and hence, concerning these policies—not a large number, however—this term is employed. Dividend additions and reversionary bonuses are thus different names for substantially the same thing. After this explanation the term dividend addition may serve to express both. These dividend additions amount upon registered policies to \$27,474, and upon non-registered policies to \$3,293. Eleven annuity policies (bonds) are in force, the annual charge upon which is \$8,858, and the present value of which is \$57,369. Of these eleven annuity bonds in force, there belong to registered account seven; and to non-registered account four. Upon the registered annuity bonds the present value is \$43,467; upon the non-registered it is \$13,902. The annual annuity charge upon the registered bonds is \$7,674; upon the non-registered it is \$1,184. In subsequent computations, these annuity bonds are merged with other policy obligations of the company. Of the foregoing gross amount of assurance in force there is, upon what are known as paid-up policies, \$3,940,985. These are policies upon which the premiums are fully paid, and which are, therefore, no longer a source of revenue, although they constitute a present and constantly and rapidly increasing charge against the resources of the company. This description of their character is, however, subject to some qualification. Thus, there is upon quite a large number of these policies a portion of the premium in fact left unpaid, although, upon the books of the company, and in the insurance language, it is not considered and does not appear as unpaid premium at all, but is treated precisely as though the premium, as such, had been fully paid in cash, and then a loan, equal to the amount of such unpaid premium, had been made to the insured upon the security of his policy. This unpaid premium, then, takes the name and the form of a perpetual loan, running with the policy, and the amount of which is to be deducted from the face of the policy, that is the assurance, whenever this becomes a claim. This loan, or forbearance of premium, bears interest payable annually upon the anniversary of the policy, and failure to pay this interest when due, or within the grace allowed, renders the policy liable to forfeiture the same as non-payment of premium would do; and it is herein that this device partakes of the nature of a premium and not of a loan. To the extent, therefore, of the interest payable upon these loans, the paid-up policies (which to that extent are not paid) do contribute to the revenue of the company. The total amount of these loans upon paid-up policies appears to be \$237,685, the interest upon which is \$16,638. And this \$16,638 is the entire sum contributed by this class of policies to the expense of carrying \$3,940,985 of assurance—or deducting this \$237,685 of loans,—a future contingent liability of \$3,702,300, and requiring a reserve of \$1,996,770. The remainder of the foregoing amount of assurance in force is upon policies which call for the payment of regular annual premiums. Of course the amount of assurance borne by these paying policies is \$4,091,815. The amount of these annual premiums, the bearing of which upon the condition of the company we shall have to consider more fully hereafter, is but \$167,048; which,

with the interest from paid-up policies of \$16,638, make a total of \$183,686. This constitutes the entire annual contribution from policy or premium account, toward the expense of carrying the whole \$8,032,800 of assurance in force. These paid-up policies, and premium-bearing policies, in respect to the amount assured under them, are divided between the registered and the non-registered policy accounts respectively, as follows:

| | |
|--|--------------------|
| Assurance under paid-up registered policies..... | \$848,075 |
| Assurance under premium-paying policies | 2,662,739 |
| Total registered assurance | <u>\$3,510,814</u> |
| Assurance, non-registered, paid-up..... | \$3,092,910 |
| Assurance, non-registered, premium paying | 1,429,076 |
| Total non-registered assurance | <u>\$4,521,986</u> |

As regards the income from premiums and from interest on loans, it is derived from the registered and the non-registered policy accounts, respectively, as follows:

| | |
|--|------------------|
| Registered policy accounts: | |
| Interest from loans on paid policies | \$45 |
| Premiums receivable | 102,157 |
| Total income from registered policies | <u>\$102,202</u> |
| Unregistered policy account: | |
| Interest from loans on paid policies | \$16,593 |
| Premiums receivable | 64,891 |
| Total income from non-registered policies..... | <u>\$81,484</u> |

II. MATURED AND MATURING OBLIGATIONS.

Measure of Liability.—We are now prepared to consider the nature, form and amount of the liabilities of the North America Life Insurance Company, expressed in the terms of an existing obligation, which it will require a given sum to discharge. The chief liability of a life insurance company arises under its contracts to pay future assurances, as these shall mature by the death of the insured or by the happening of whatever contingency is made the condition of the maturity of the contract. The gross amount of these assurances we have already found, and have stated to be \$8,032,807. Our problem is to ascertain what sum, expressing a fixed, defined and present liability, will be, theoretically at least, the exact equivalent of this future contingent liability; in other words, we must find the present value, under the conditions given, of these gross assurances, payable at uncertain periods in the remote future. This is not a difficult problem, and that value, when found, will prove to be a sum which, invested at an assumed rate of interest—in this State 4½ per cent—should, together with premiums receivable from policies in force, be sufficient to meet all these policy obligations as they shall mature. It is this sum, corresponding

with this present value of gross future assurances, invested so as to produce the assumed rate of interest, which is known as the "reserve;" and this assumed coincidence between the amount of this reserve and the sum expressing the value of the assurance frequently tends to confusion in the use of terms, "reserve" being substituted for "value," and *vice versa*. The "reserve" should be equal in amount to the "value" of the gross assurances, but whether, in any given case, it is equal to such value, is, as now, a question to be determined. The premiums to be received are, by insurance computations, always assumed at some certain rate for the various ages and classes of policies to be considered, which rate does not, however, embrace any provision for the general expenses of conducting the business, and these are known as the net premiums, and are quite different from the premiums found in the tables of the various companies, which are formed by adding to the net premiums a sum called "loading," from which to defray the expenses of the business. This "loading" varies from 25 to 40 per cent, and the "net" premiums thus loaded constitute the gross or table premiums of the companies. The significance of these explanations will appear more clearly, perhaps, hereafter. Upon its policies not matured, and still in force, therefore, the existing or present liability of any company corresponds with this ascertained present value of its assurances which are to mature in the near and remote future. Against this present or existing liability there may, of course, be offset any present or existing indebtedness of the insured on account of their policies. Such indebtedness commonly takes one or the other, and sometimes both of two forms—to wit: Loans and deferred premiums. The nature of loans upon paid-up policies has already been considered. Upon premium-paying policies they are much the same, being the forbearance in each year of some agreed portion of the annual premium, which portion remaining unpaid is charged against the policy, and is to be deducted from the amount assured whenever the policy becomes a claim. Upon this unpaid portion of premium, also, interest is regularly charged and paid with the premium.

Deferred premiums are the portion of annual premium, due at the beginning of each policy year not paid when due, but as a matter of convenience to the insured, and of grace and favor on part of the company, "deferred" and paid by instalments at intervals of three, four, or six months, as may be agreed. As the full annual premium is due in advance at the beginning of the policy year, the portion deferred is in the nature of a temporary loan, and like the permanently unpaid premiums, called loans, is charged as a lien against the policy until paid, and is deducted from it whenever the policy becomes a claim.

PRESENT VALUE OF POLICIES IN FORCE.

We are now prepared to consider and set forth what constitutes the liabilities of the North America Life Insurance Company. We commence with that more formidable item, the present value of its policies. To obtain this, the value of every policy and annuity in force upon the 8th of March has been computed by the actuary, or under his direction, with the exception of a few of the less usual forms of

policies, for the computation of which the actuary availed himself of the services and superior facilities for exceptional work of the Insurance Department. For the courtesy extended by the department, in this and in other matters connected with and in aid of this investigation, he desires to express his acknowledgments. The following is the result:

Value of all policies and annuities, with additions :

| | |
|---------------------------|----------------|
| Registered policies | \$1,002,770 00 |
| Non-registered. | 2,109,501 00 |

| | |
|---|-----------------------|
| Total value and measure of liability..... | <u>\$3,112,271 00</u> |
|---|-----------------------|

The following table sets forth the amount and distribution of the loans and deferred premiums, and the balance of liability after these are deducted :

Value of policies and annuity bonds, from which there are no loans or deferred premiums to be deducted :

| | | |
|---------------------|-----------------------------|----------------|
| Registered..... | \$832,377 00 | |
| Non-registered..... | 1,017,281 00 | |
| | <u> </u> | \$1,849,658 00 |

Value of policies from which deferred premiums are to be deducted, as follows:

| | | |
|-----------------------------|-----------------------------|------------|
| Registered..... | \$165,315 00 | |
| Less deferred premiums..... | 21,414 00 | |
| | <u> </u> | 143,871 00 |
| Non-registered..... | \$32,505 00 | |
| Less deferred premiums..... | 2,700 00 | |
| | <u> </u> | 29,805 00 |

Value of policies from which loans are to be deducted as follows:

| | | |
|---------------------|-----------------------------|------------|
| Registered..... | \$3,417 00 | |
| Less loans | 1,256 00 | |
| | <u> </u> | 2,161 00 |
| Non-registered..... | \$911,692 00 | |
| Less loans | 322,412 00 | |
| | <u> </u> | 589,280 00 |

Value of policies from which both loans and deferred premiums are to be deducted:

| | | |
|-------------------------|-----------------------------|-----------|
| Registered..... | \$1,661 00 | |
| Less loans..... | \$510 00 | |
| Less deferred premiums. | 198 00 | 708 00 |
| | <u> </u> | 953 00 |
| Non-registered | \$148,023 00 | |
| Less loans..... | \$58,479 00 | |
| Less deferred premiums. | 8,621 00 | 67,100 00 |
| | <u> </u> | 80,923 00 |

| | |
|--|-----------------------|
| Total value of policies, additions, bonuses and annuities, less loans and deferred premiums..... | <u>\$2,696,651 00</u> |
|--|-----------------------|

From the foregoing it will be seen that this sum of \$2,696,651, which constitutes the balance of the company's liability upon all its policies in force, is divided between the registered and non-registered policies, as follows:

| | |
|---|--------------|
| Liability upon registered policies..... | \$979,362 00 |
| Liability upon non-registered policies..... | 1,717,289 00 |
| | <hr/> <hr/> |

As throwing further light upon the condition of the company, we will exhibit the gross liability and the deductions to be made therefrom, as these are divided between paid-up and premium-paying policies, as follows:

Present value of paid-up policies :

| | | |
|--|--------------|----------------|
| Registered | \$561,641 00 | |
| Non-registered | 1,672,814 00 | |
| | <hr/> | \$2,234,455 00 |
| Deduct loans..... | | 237,685 00 |
| | | <hr/> |
| Balance on liability of paid-up policies | | \$1,996,770 00 |
| | | <hr/> <hr/> |

Present value of premium-paying policies :

| | | |
|---|--------------|--------------|
| Registered..... | \$441,129 00 | |
| Non-registered | 436,687 00 | |
| | <hr/> | \$877,816 00 |
| Deduct loans and deferred premiums..... | | 177,935 00 |
| | | <hr/> |
| Balance of liability on premium-paying policies.. | | \$699,881 00 |
| | | <hr/> <hr/> |

MATURED POLICY CLAIMS.

Having thus ascertained and set forth the present value of the policies in force, which is the measure of the company's liability thereon, we are now ready to take up the remaining considerable item of liability, that arising from claims upon policies matured, or alleged to have matured, by the expiration of their term, or by the death of the parties insured. These claims, in so far as their validity is concerned, constitute the matured obligations of the company, due and payable now, and to be discharged only by immediate payment in cash, which the resources of the company must provide. The endowment policies that had matured and were awaiting payment under the ninety days' term of grace taken by the company, at the time the receiver took possession, amounted to \$58,288. Of this sum there was upon registered policies \$11,300, and upon non-registered policies \$46,988. There was subject to deduction for loans \$8,106, leaving the balance matured on both registered and non-registered of \$50,182. There are no loans upon the registered endowment policies. The whole amount of claims by death, which have been proved and submitted, or which are not disputed, and of claims which have at some time been made formally or informally, but which have not been admitted by the company, but which still appear not to have been finally disposed of, is \$209,997;

from which are to be deducted: loans, \$4,553; deferred premiums, \$520; leaving a balance of death claims, \$204,924. There are also two claims for compensation under accident clauses in policies; a very little of which business was done in the early years of the company. These amount, however, to only \$242. The total of matured policy claims of all sort, good, bad and indifferent, after deducting offsets as above, is as follows:

| | |
|----------------------|--------------|
| Endowments | \$50,182 00 |
| Death claims..... | 204,924 00 |
| Accident claims..... | 242 00 |
| | <hr/> |
| | \$255,348 00 |
| | <hr/> |

With a view to a more complete exposition of the "condition of the company" with respect to its liability under these matured policy claims, the actuary presents the following analysis of their character:

ANALYSIS OF MATURED POLICY CLAIMS.

First, The endowment claims seem to be admitted without question, at the amount expressed upon their face, from which are to be deducted the loans, leaving the balance already stated, \$50,182.

Second, Death claims appear to have been examined, approved and date of payment fixed by the company, as follows:

| | | |
|------------------------------|-------------|--------------|
| Face of policies..... | \$98,917 00 | |
| Dividend additions..... | 4,901 00 | |
| | <hr/> | \$103,818 00 |
| Less loans..... | \$3,020 00 | |
| Less deferred premiums..... | 272 00 | |
| | <hr/> | 3,292 00 |
| | | <hr/> |
| Balance from this class..... | | \$100,526 00 |
| | | <hr/> |

Third, Death claims not disputed, but awaiting completion of formal proofs, \$3,836..

Fourth, Death claims filed since March 8, under policies matured by decease of the insured prior to that date, and which the actuary finds no sufficient ground for questioning (one of these, however, should be reduced in amount to correct an error, admitted by the proofs, in statement of age):

| | |
|---|-------------|
| Amount..... | \$17,500 00 |
| Less loans..... | \$441 00 |
| Less deferred premiums..... | 52 00 |
| | <hr/> |
| | 493 00 |
| | <hr/> |
| Balance on death claims, fourth class.... | \$17,007 00 |
| | <hr/> |

Fifth, These are death claims in course of litigation, and concerning which the only safe course is to regard them as a liability for the

full amount claimed, which will be augmented by costs, interest, and expenses, whenever judgment shall be obtained against the company. The amount of these which the actuary has found is but \$15,000.

Sixth, These are a mass of old claims concerning most of which notice was given to the company several years ago. They were promptly refused upon grounds for the most part which the books of the company seem amply to justify, and they have not been renewed, and formal proofs under them have not been made. The whole amount of these old claims is \$51,000, but the actuary finds in the facts submitted and in the neglect to put the claims in proof, ample ground for rejecting from his estimate of liability \$31,000 of them. The sum of \$20,000 seems to rest upon a different footing, proofs having been made, and a contingent liability is therefore admitted of \$20,000.

Seventh, These are a few claims of more recent date which the company refused to admit, but concerning which the merits or demerits are not so clear as those last considered. But one, for the sum of only \$200, seems so certainly and absolutely invalid as to justify the actuary in excluding it from his summary. The amount of claims under this head is thereby reduced to \$7,500.

Eighth. These are a few cases which may be called memorandum claims, being supported only by a memorandum upon the policy register, seeming to admit the maturity of these policies by death. If admitted, as at this stage of the investigation the actuary thinks they should be, the amount will be \$11,143.

Ninth — Accident Claims, These do not, even upon the facts stated by the claimants themselves, come within the provisions of the policies under which they are made, and are, therefore, excluded.

Revising our summary of matured policy claims, to correspond with the foregoing estimate of their character, we derive the following net result in the form of an admitted or probable liability :

| | |
|-------------------------------------|--------------|
| Matured endowments..... | \$50,182 00 |
| Death claims..... | 175,012 00 |
| | <hr/> |
| Total matured policy liability..... | \$225,194 00 |
| | <hr/> <hr/> |

Passing now to the distribution of this liability of \$225,194 between registered and non-registered policies, we have the following :

Under registered policies there is due :

| | |
|------------------------|--------------|
| From endowments..... | \$11,300 00 |
| From death claims..... | 111,751 00 |
| | <hr/> |
| | \$123,051 00 |
| | <hr/> <hr/> |

Under non-registered policies there is due :

| | |
|------------------------|--------------|
| From endowments..... | \$38,882 00 |
| From death claims..... | 63,261 00 |
| | <hr/> |
| | \$102,143 00 |
| | <hr/> <hr/> |

But this does not properly express the amount to be borne respectively by the registered and non-registered, that is, the special and

general funds, in liquidating these claims. If the entire business of the company were to be prosecuted, even to the extent of collecting premiums on all policies and discharging matured and future maturing claims, the natural order of procedure would be, for those obligations first to be paid and discharged from the general fund. This general fund, or the company, or the receiver on its behalf, would then demand and be entitled to receive, from the special or registered fund, the amount advanced from the general fund on its account. This would be the amount of the present value of the registered policies so paid and discharged, as the same would appear upon the books of the insurance department, and may be designated as the "registered value" of these matured policies. The present value of these matured registered policies, as the same is found upon the records of the insurance department, is as follows:

| | |
|---|--------------------|
| Registered value of endowment policies..... | \$11,039 00 |
| Registered value of life policies..... | 19,488 00 |
| Total value of matured policies..... | <u>\$30,527 00</u> |

We have then arising out of these matured policy claims, this sum of \$30,527 as a lien or charge upon the special or registered fund on deposit in the insurance department, and to be deducted from it if the business of the company is to be carried on in both registered and non-registered departments. How the conditions of our problem and the amount of this lien or charge upon the special fund will be altered, in the event of a separation of the registered from the non-registered business, and of an attempt to carry on the former without the latter, will be made to appear hereafter in its appropriate connection.

MISCELLANEOUS LIABILITIES.

These, so far as the actuary is advised, may be reduced to the following:

First — A judgment against the company for services as agent amounting with costs to \$611.

Second — A claim, upon what pretext is unknown, for a return of premiums paid upon a policy. If the actuary knew more concerning the character or ground of this claim he might find himself justified in throwing it out; in the absence of such knowledge he takes the safer course of extending it in full at \$490.

Third — Claim of Nicoll & Co., agents at Bombay, for moneys advanced by the authority and direction of the company, in the purchase of policies for its account, \$480.

Fourth — Balance due the attorney of the company, in the State of Pennsylvania, beyond the sum in his hands, for the payment of taxes, adjudged to be due from the company in that State, and amounting to \$403. The amount of these miscellaneous claims, which may be regarded as a liability for the full amount of their face, is \$1,984. Bringing together and summing up all the foregoing, we have the following:

Liabilities.

Present Net Value of Policies in Force:

| | | |
|---------------------------|-----------|-------------|
| Registered..... | \$979,362 | |
| Non-Registered..... | 1,717,289 | |
| | <hr/> | \$2,696,651 |
| Matured Endowments: | | |
| Registered Value..... | \$11,039 | |
| Non-Registered..... | 39,143 | |
| | <hr/> | 50,182 |
| Death Claims: | | |
| Registered Value..... | \$19,488 | |
| Non-Registered..... | 155,524 | |
| | <hr/> | 175,012 |
| Miscellaneous Claims..... | | 1,984 |
| | | <hr/> |
| Total Liabilities... | | \$2,923,829 |

It will be seen that the last three items of the foregoing summary of liabilities, making a total of \$227,178 consist of obligations already matured, which it will require that sum in ready money to discharge. The first and principal sum of \$2,696,651 is not an obligation matured and at once to be discharged, that is paid, but is the theoretical or mathematical, equivalent, expressed in the terms of a present liability or obligation for the sum of obligations — in the form of assurances — which the company has undertaken to discharge in the future, and this sum of \$2,696,651 in addition to that of \$227,178 in, or to be converted into, ready money, we must find invested in good securities or properties, yielding, and certain to yield, not less than 4½ per cent interest, and to be themselves convertible, when required, without any depreciation from the value at which they are estimated in making the above principal sum. Such a sum so invested constitutes the needed “reserve,” and will, it is assumed, together with the net premiums to be received from the policies in force, be sufficient to meet and discharge the future obligations — assurances — of the company as the same shall mature. The law under which this proceeding is had, seems further to surmise a possibility of premiums receivable sufficiently high to make good some measure of impairment in the required “reserve.” How far this resource may be available in the present instance, will subsequently be made manifest. Such are the requirements of our problem in seeking the conditions under which the whole business of the company is to be carried on by the receiver, in the manner prescribed by the statute. What the requirements will be in undertaking to conduct the registry business of the company, independently of the remainder, will receive consideration in another connection.

III. RESOURCES.

Having thus, to the best of our ability, brought into relief what is the task to be undertaken in an endeavor to meet and discharge the obligations of this company as the same shall mature, we are next and finally to consider and set forth what are the resources of the company, and to analyze and test their sufficiency for the work to be done. The

actuary is not sanguine of his ability to make a statement in any form that shall be a clear and intelligible exposition of the condition of this company in respect to its resources. It certainly cannot be briefly and comprehensively set forth in any form of mere tabular statement which he can devise. The statement of its condition is something to be arrived at after the manner in which military operations are conducted against intrenched positions—that is, by a series of gradual approaches each bringing us nearer to the objective of our efforts. It would seem that what ought to form a part of such a statement, which should be clear, intelligible and satisfactory so far as it goes, and be subject to no explanation, abatement or complication, is the list of securities deposited in the Insurance Department for the protection of policy-holders. We will, therefore, commence our statement with the introduction of this more simple element in the situation, and then pass on to the mastery of the more difficult and complicated elements as these shall present themselves.

Securities in the Department. — The securities on deposit in the Insurance Department, for the protection of the policy-holders in the North America Life Insurance Company, on March 8, 1878, were the following:

| | |
|--|--------------------|
| Bonds and mortgages, par..... | \$1,162,700 |
| [Credited by department, at \$1,081,481.] | |
| United States bonds, 5-20s of '65..... | 69,500 |
| Total deposited in Insurance Department..... | <u>\$1,232,200</u> |

These securities are divided between and held for account of special or registered deposit fund, and general deposit fund as follows:

For special account. Registered policies only:

| | |
|--|--------------------|
| Bonds and mortgages..... | \$1,067,200 |
| United States bonds..... | 63,000 |
| Total deposit for registered policies..... | <u>\$1,130,200</u> |

For general account. All policies:

| | |
|-------------------------------------|------------------|
| Bonds and mortgages..... | \$95,500 |
| United States bonds..... | 6,500 |
| Total deposit for all policies..... | <u>\$102,000</u> |

From the above it would seem that we were able to open our investigation very handsomely, with \$1,232,200 of solid investments. But right at this point certain facts are disclosed, which materially modify the condition as above set forth, and which must be stated and analyzed, and their force and bearing considered in effecting a readjustment of the financial value of the foregoing.

Modifying conditions. — We find, then, that since the above mortgages were deposited in the insurance department, the title to the

premises, covered by sixteen of them, has been acquired by and still stands in the name of the North America Life Insurance Company. Fifteen of these mortgages, affected by this acquisition of title, belong to the registered or special policy account, and but one to the general policy account. Our statement is affected only by the former, whose bearing and influence upon the conditions of our problem we will now consider. For this purpose we will make a list of these fifteen properties, in which we will set forth all the material facts concerning them, with such fullness of detail as to make clear their relation to and bearing upon this investigation, and to enable those interested to verify or to refute the facts alleged and conclusions drawn:

LIST.

No. 1065 *Madison avenue.*

| | | |
|-----------------------------------|-------------|-------------|
| Mortgage..... | \$27,500 00 | |
| Taxes due and unpaid..... | 1,115 12 | |
| | | |
| Total incumbrance..... | \$28,615 12 | |
| Appraised value, July, 1877 | 16,500 00 | |
| | | |
| Deficiency..... | | \$12,115 12 |

1067 *Madison avenue.*

| | | |
|----------------------------------|-------------|-----------|
| Mortgage..... | \$27,500 00 | |
| Taxes due and unpaid..... | 1,070 57 | |
| | | |
| Total incumbrance..... | \$28,570 57 | |
| Appraised value, July, 1877..... | 16,500 00 | |
| | | |
| Deficiency | | 12,070 57 |

No. 1069 *Madison avenue.*

| | | |
|-----------------------------------|-------------|----------|
| Mortgage..... | \$20,000 00 | |
| Taxes due and unpaid..... | 968 05 | |
| | | |
| Total incumbrance..... | \$20,968 05 | |
| Appraised value, July, 1877 | 13,500 00 | |
| | | |
| Deficiency..... | | 7,458 05 |

No. 1071 *Madison avenue.*

| | | |
|----------------------------------|-------------|-----------|
| Mortgage..... | \$35,000 00 | |
| Taxes due and unpaid..... | 1,375 37 | |
| | | |
| Total incumbrance..... | \$36,375 37 | |
| Appraised value, July, 1877..... | 22,000 00 | |
| | | |
| Deficiency..... | | 14,375 37 |

No. 671 Madison avenue.

| | |
|--------------------------|-------------|
| Mortgage..... | \$45,000 00 |
| Taxes due and unpaid.... | 5,488 09 |

| | |
|----------------------------------|-------------|
| Total incumbrance..... | \$50,488 09 |
| Appraised value, July, 1877..... | 46,750 00 |

| | |
|-----------------|------------|
| Deficiency..... | \$3,738 09 |
|-----------------|------------|

No. 673 Madison avenue.

| | |
|--------------------------|-------------|
| Mortgage..... | \$47,500 00 |
| Taxes due and unpaid.... | 3,429 52 |

| | |
|----------------------------------|-------------|
| Total incumbrance..... | \$50,929 52 |
| Appraised value, July, 1877..... | 37,000 00 |

| | |
|-----------------|-----------|
| Deficiency..... | 13,929 52 |
|-----------------|-----------|

No. 681 Madison avenue.

| | |
|--------------------------|-------------|
| Mortgage..... | \$32,500 00 |
| Taxes due and unpaid.... | 2,440 97 |

| | |
|----------------------------------|-------------|
| Total incumbrance..... | \$34,946 97 |
| Appraised value, July, 1877..... | 24,000 00 |

| | |
|-----------------|-----------|
| Deficiency..... | 10,946 97 |
|-----------------|-----------|

No. 76 East Eighty-first street.

| | |
|--------------------------|-------------|
| Mortgage..... | \$22,000 00 |
| Taxes due and unpaid.... | 484 53 |

| | |
|-------------------------------|-------------|
| Total incumbrance..... | \$22,484 53 |
| Appraised value, July, 1877.. | 15,500 00 |

| | |
|-----------------|----------|
| Deficiency..... | 6,984 53 |
|-----------------|----------|

No. 78 East Eighty-first street.

| | |
|--------------------------|-------------|
| Mortgage..... | \$22,000 00 |
| Taxes due and unpaid.... | 484 53 |

| | |
|----------------------------------|-------------|
| Total incumbrance..... | \$22,484 53 |
| Appraised value, July, 1877..... | 15,500 00 |

| | |
|------------------|----------|
| Deficiency | 6,984 53 |
|------------------|----------|

No. 80 East Eighty-first street.

| | |
|--------------------------|-------------|
| Mortgage..... | \$22,000 00 |
| Taxes due and unpaid.... | 484 53 |

Total incumbrance\$22,484 53
 Appraised value, July, 1877..... 15,500 00

Deficiency..... \$6,984 53

No. 48 East Sixty-first street.

Mortgage.....\$30,000 00
 Taxes due and unpaid 2,803 42

Total incumbrance.....\$32,803 42
 Appraised value, July, 1877..... 24,500 00

Deficiency..... 8,303 42

No. 50 East Sixty-First Street.

Mortgage.....\$30,000 00
 Taxes due and unpaid 2,688 46

Total incumbrance.....\$32,688 46
 Appraised value, July, 1877..... 24,000 00

Deficiency 8,688 46

No. 72 East Sixty-First Street.

Mortgage.....\$20,000 00
 Taxes due and unpaid..... 1,380 51

Total incumbrance\$21,380 51
 Appraised value, July, 1877..... 22,000 00

Surplus. 619 49

No. 27 East Sixty-First Street.

Mortgage.....\$20,000 00
 Taxes due and unpaid..... 1,019 15

Total incumbrance.....\$21,019 15
 Appraised value, July, 1877..... 17,500 00

Deficiency 3,519 15

Eighty-Third Street.

Mortgage.....\$16,000 00
 Taxes due and unpaid.... 1,156 70

Total incumbrance.....\$17,156 70
 Appraised value, July, 1877 7,500 00

Deficiency 9,656 70

It is proper here to remark that the foregoing appraisals, as also others of properties to which the company has title in the city of New York, were carefully made during the present summer, under the direction of the receiver, by James M. Taylor, Esq., a real estate broker of the city of New York of long experience, of excellent judgment and thorough integrity, who examined the properties and made an appraisal in each case of the value of the lots and buildings separately, and certified to the same in the following words: "The above estimates of the value of the land are made on the basis of the best judgment I can form from present circumstances; the value of the improvements is estimated at what they can be built for at this time."

Loss by the Mortgages.

The actuary has no hesitation in accepting these appraisals as in every respect entitled to confidence. He does not understand that they profess to be the absolute fixed sum which at forced sale these properties would bring. The court will readily understand what the public have learned to their cost, that in times like the present real estate values are largely conjectural. These appraisals are understood to express what would be a fair exchangeable value for these properties between an owner anxious, but not absolutely compelled to sell, and a purchaser desirous, but not over-anxious to buy. But transactions of this kind are at the present time extremely rare. The market is chiefly controlled by forced sales under judgments or foreclosures. Reduced to such a standard, the foregoing appraisals are undoubtedly too high. The practical question which the court will have to consider is whether, for the purpose proposed of continuing the business of the company, or of its registered department, to the extent of trying to discharge its obligations as they shall mature, the value of these properties will not have to be taken under the conditions of a forced and not a voluntary sale. The bearing of this inquiry will be subsequently considered; for the present we will accept the fair and considerate estimate of the appraiser. The bearing and significance of the foregoing exhibit lie directly upon the surface of our inquiry, which at this point relates to the amount and value of the resources of the company, with which to discharge its obligations as they shall mature. We have already reduced these matured and maturing obligations to an equivalent matured liability of \$2,923,829, which sum, in addition to the premiums to be received in the future, it is necessary to find in cash, or invested in substantial securities. But here, at the very outset of our investigation, we find that mortgages, amounting in the aggregate to \$417,000, and which were supposed to be, and which ought to be a good and valid security for that sum, are, under a carefully estimated value of the premises upon which they are a lien, reduced to a present cash value of not exceeding \$318,250; for, except in the case of responsible bondsmen, which unhappily cannot be premised of these mortgages — the mortgages cannot be worth more than the property upon which they are placed. But we find further, that from this value there must be deducted the prior lien of taxes and assessments, amounting, with interest on the 14th of May last, to \$26,395.52, leaving \$291,854.48 as the utmost which we may hope to realize from the mortgages, embraced in our original statement at

\$417,000. Here is a loss upon these fifteen mortgages of \$125,145.52, equal to thirty per cent. Only one of the properties in the foregoing list is valued at a sum in excess of the incumbrance, and this for the insignificant sum of only \$619.49, on an appraisal of \$22,000. These mortgages not being worth their face by the considerable sum of \$125,000, we have, of course, not deemed it important to consider, as an item with which to burden our schedule, the sum of \$98,800 of over-due interest, which has accumulated upon them, and from which neither the company nor the special registered deposit fund can hope ever to receive a dollar. The company has acquired title to premises covered by only one mortgage held by the Insurance Department for general account, and the appraised value of the property is barely sufficient to cover the incumbrance; so that we shall not change the amount at which this mortgage is embraced in our summary. Among the mortgages in the Insurance Department, and held for the special or registered policy account of the company are four of \$16,000 each, and one for \$22,500, making in all \$86,500, the titles to the premises of which are in the name of the Universal Life Insurance Company, which acquired the same from the North America Life, in the course and progress of the complicated transactions between these corporations, which the receiver is endeavoring to unravel for the information of the court, and the advantage of the policy-holders of the North America Company, whose rights and interests are his care. It is almost needless to remark that those mortgages are altogether worthless as a source of revenue to this company; the arrears of interest upon them are already more than \$25,000, upon which it is safe to say, nothing will ever be realized. It is only just to state that these arrears of interest have not by any means wholly accrued since the title became vested in the Universal Insurance Company. But the taxes and assessments in arrears upon these properties amount, without interest, to more than \$5,500, upon some of them running back to 1871. These mortgages are probably worth just what the properties are worth less the arrears of taxes; but the actuary has no appraisal of their value with which to make these mortgages correspond. With a view to a better understanding of the value of the mortgages which are not complicated by the titles to their premises being acquired by the North America or Universal Companies, the actuary presents the following concerning eight other mortgages on deposit in the Insurance Department, upon which there are arrears of interest for a longer period than one year. The amount of these eight mortgages is \$154,500, and the interest overdue upon them on March 8, was nearly \$15,000. Upon the properties supposed to be a security for these mortgages, there are over \$7,500 of taxes and assessments due and unpaid. Ordinarily the arrears of interest would be summed up and counted as an asset, but in view of the exhibit already made of the depreciation of mortgaged properties owned by this company, and of this exhibit of accumulated arrears of both interest and taxes, the actuary is of opinion that the arrears of interest cannot be accounted as of any certain value. He does not believe, indeed, that these mortgages could now be made to realize the value expressed upon their face, but in the absence of any appraised value of the premises upon which they are placed, he lacks that accurate or at least authoritative data which will

justify him in charging and fixing their value at any other sum than that for which they are held. It should be remarked, however, that those which we have enumerated, are not the only mortgages upon which arrears of interest are found—these having been selected because of their more considerable aggregate, and because the arrears of taxes could be obtained with comparatively small expenditure of time. It will be understood that another year's taxes have accrued since the time for which the foregoing estimates are made, and that interest upon all the arrears of taxes is also, under a special law, limited in its operations to the present year, accumulating at the rate of eight per cent per annum. When the operation of this law shall cease, the rate will be restored to twelve per cent per annum. We will now revise our statement of the securities deposited in the Insurance Department, to correspond with the facts and values brought to view in the foregoing exposition :

| | |
|--|-------------|
| 1st. For account of registered policies, bonds and mortgages | \$1,067 200 |
| Less loss by depreciation in value of mortgaged premises | \$98.750 |
| Less unpaid taxes and assessments..... | 26,396 |
| | <hr/> |
| | 125,146 |
| Convertible value | \$942,054 |
| United States bonds.... | 63,000 |
| | <hr/> |
| Total for special or registered policy account | \$1,005,054 |
| 2d. For general account, all policies : | |
| Bonds and mortgages | \$95,500 |
| United States bonds..... | 6,500 |
| | <hr/> |
| Total for general account | 102,000 |
| | <hr/> |
| Total value of securities Insurance Department.... | \$1,107,054 |
| | <hr/> |

LIST OF ASSETS.

Remaining Properties.—Having thus, for the time at least, disposed of the securities deposited in the Insurance Department (and which embrace all that are held anywhere for the special protection of registered policies), we are prepared to consider what are the character and value of the remaining properties belonging to this company, and title to which vested in the receiver when he came into his trust. These will be found, in number, amount and value, to consist largely of parcels of real estate upon which the company had made large advances in the way of loans, and to which, with a view to its own further and better security, it subsequently acquired title. The extent to which the acquisition of title proved to be a greater security, will appear from what follows. We will commence our list of assets with those properties on which there is a lien in the way of one or more mortgages, held by outside parties, which, together with interest accrued and taxes and assessments, must be deducted from the appraised or estimated value of the premises, before the value, in the form of equity in favor of the company, can be ascertained.

No. 50 East Eighty-First street.

| | |
|---|------------|
| Mortgage held by the New York Life Insurance Company..... | \$9,000 00 |
| Arrears of taxes..... | 11 00 |
| Interest accrued..... | 219 20 |

| | |
|------------------------|------------|
| Total incumbrance..... | \$9,230 20 |
| Appraised value..... | 10,500 00 |

Equity..... \$1,269 80

No. 54 East Eighty-First street.

| | |
|---|-------------|
| Mortgage held by the New York Life Insurance Company..... | \$10,500 00 |
| Interest accrued..... | 255 74 |
| Arrears of taxes..... | 11 00 |

| | |
|------------------------|-------------|
| Total incumbrance..... | \$10,766 74 |
| Appraised value..... | 12,250 00 |

Equity..... 1,483 26

No. 56 East Eighty-First Street.

| | |
|---|-------------|
| Mortgage held by the New York Life Insurance company..... | \$10,000 00 |
| Interest accrued..... | 243 56 |
| Arrears of taxes..... | 22 00 |

| | |
|------------------------|-------------|
| Total incumbrance..... | \$10,265 56 |
| Appraised value..... | 12,250 00 |

Equity..... 1,984 44

No. 58 East Eighty-First Street.

| | |
|---|-------------|
| Mortgage held by the New York Life Insurance Company..... | \$10,000 00 |
| Interest accrued..... | 243 56 |
| Arrears of taxes..... | 11 00 |

| | |
|------------------------|-------------|
| Total incumbrance..... | \$10,250 56 |
| Appraised value..... | 12,250 00 |

Equity..... 1,995 44

No. 60 East Eighty-First Street.

| | |
|---|-------------|
| Mortgage held by the New York Life Insurance Company..... | \$10,000 00 |
| Interest accrued..... | 243 56 |
| Arrears of taxes..... | 11 00 |

| | | |
|------------------------|-------------|------------|
| Total incumbrance..... | \$10,254 56 | |
| Appraised value | 12,250 00 | |
| Equity..... | | \$1,995 44 |

No. 64 East Eighty-First Street.

| | | |
|--|-------------|----------|
| Mortgage held by the Manhattan Life Insurance Company..... | \$12,000 00 | |
| Interest accrued..... | 292 27 | |
| Arrears of taxes..... | 527 49 | |
| Total incumbrance..... | \$12,819 76 | |
| Appraised value..... | 18,000 00 | |
| Equity.. . | | 5,180 24 |

No. 74 East Eighty-First Street.

| | | |
|--|-------------|----------|
| Mortgage held by the Manhattan Life Insurance Company..... | \$12,000 00 | |
| Interest accrued..... | 292 27 | |
| Arrears of taxes..... | 493 53 | |
| Total incumbrance..... | \$12,785 80 | |
| Appraised value..... | 15,500 00 | |
| Equity..... | | 2,714 20 |

No. 82 East Eighty-First Street.

| | | |
|--|-------------|----------|
| Mortgage held by the Manhattan Life Insurance Company..... | \$13,000 00 | |
| Mortgage held by the Universal Life Insurance Company..... | 12,000 00 | |
| Interest accrued..... | 608 90 | |
| Arrears of taxes..... | 514 49 | |
| Total incumbrance..... | \$26,123 39 | |
| Appraised value..... | 19,500 00 | |
| Deficit..... | | 6,623 39 |

Sixty-sixth Street. (7) Lots.

| | | |
|---|-------------|----------|
| Mortgage held by the New York Life Insurance Company..... | \$84,000 00 | |
| Total incumbrance..... | \$84,000 00 | |
| Appraised value..... | 87,500 00 | |
| Equity..... | | 3,500 00 |

Seventy-Seventh Street, N. Y. Boulevard.

| | | |
|---|------------|------------|
| Mortgage held by Mr. Wall..... | \$4,000 00 | |
| Total incumbrance..... | \$4,000 00 | |
| Taxes about..... | 1,500 00 | |
| Deficit..... | | \$1,500 00 |
| Mortgage under proceedings of foreclosure suit suspended. | | |

Four acres on Nepperhan Heights.

| | | |
|---|------------|----------|
| Near the city of Yonkers, subject to a mortgage of..... | \$5,000 00 | |
| No other incumbrances known. Value purely hypothetical. | | |
| Equity, say..... | | 1,000 00 |

No. 17 and 19 East Seventy-Fourth Street.

| | | |
|--|-------------|----------|
| Subject to mortgages, \$22,500 each..... | \$45,000 00 | |
| Appraised value, 24,000 each..... | 48,000 00 | |
| Equity, \$1,500 each | | 3,000 00 |

Sold under foreclosure of second mortgage 31st of July last, and brought \$16,000 and \$17,000, respectively, wiping out the company's equity, which illustrates and enforces our comments on the character of these appraisals.

The equity in all the foregoing premises appears to be.. \$24,122 82

We will next give a list of real estate properties owned by the company upon which there is no mortgage lien.

West Eighty-Third Street.

| | | |
|--|------------|------------|
| Two vacant lots on the north side, between Eight and Ninth avenues : | | |
| Taxes in arrears | \$1,488 40 | |
| Total incumbrance | \$1,488 40 | |
| Appraised value, \$3,500 each..... | 7,000 00 | |
| Net value..... | | \$5,511 60 |

House and Lot West Eighty-Third Street, between Eight and Ninth Avenues.

| | | |
|------------------------|------------|------------|
| Taxes in arrears..... | \$1,213 94 | |
| Total incumbrance..... | \$1,213 94 | |
| Appraised value..... | 6,750 00 | |
| Net value..... | | \$5,536 06 |

House and Lot West Eighty-Fourth Street, between Eighth and Ninth Avenues.

| | | |
|-----------------------------|------------|------------|
| Taxes in arrears..... | \$1,318 93 | |
| Total incumbrance | \$1,318 93 | |
| Appraised value..... | 5,300 00 | |
| Net value..... | | \$3,981 07 |

One Hundred and Twentieth Street, Vacant Lot.

| | | |
|----------------------------|----------|------------|
| Taxes in arrears | \$281 67 | |
| Total incumbrance..... | \$281 67 | |
| Appraised value..... | 1,750 00 | |
| Net value..... | | \$1,498 33 |

House and Lot West Eighty-Third Street, between Eighth and Ninth Avenues.

| | | |
|----------------------|--|------------|
| No incumbrance | | |
| Appraised value..... | | \$6,750 00 |

Locust Avenue (Morrisania), Three-Story Brick House.

| | | |
|---------------------------|------------|------------|
| Rents for \$120. | | |
| Estimated value | \$3,000 00 | |
| No incumbrance | | |
| Net value estimated..... | | \$3,000 00 |

Three Hundred and Eight Clinton Street, Brooklyn.

| | | |
|------------------------|----------|------------|
| Tax in arrears..... | \$227 58 | |
| Estimated value..... | 8,000 00 | |
| Total incumbrance..... | \$227 58 | |
| Net value..... | | \$7,772 42 |

No. 94 Third street, Brooklyn.

| | | |
|-----------------------------|----------|------------|
| Taxes in arrears... | \$572 53 | |
| Total incumbrance..... | \$572 53 | |
| Estimated value..... | 3,250 00 | |
| Net value..... | | \$2,677 49 |

House and Nineteen Acres of Land.

Four miles east of Peekskill, in Yorktown, and called "Brookside;" originally mortgaged to the North America Life Insurance Company to secure a loan of \$9,000.

Title acquired through foreclosure. Property not eligibly situated; improvements more showy than substantial. Place occupied by a tenant at a rent of \$200 a year, out of which repairs are made. Probably it would be a very liberal appraisal that should set the property down at \$4,000. In the opinion of the receiver (who examined the property) it would not sell for..... \$2,500 00

Estimated value..... \$2,500 00

Three and a half Acres opposite San Francisco, Cal.,

Taken from a defaulting agent; value unknown, but seems to be conditional on improvements yet to be made, has been called worth \$4,000, we will call it worth.... \$1,000 00

11⁴¹/₁₀₀ acres of land, four miles from Mobile, Ala.

May be worth..... \$250 00

160 acres Government land, Goodhue county, Minn.

Probably worthless.

560 acres of land, Dent county, Mo.

Quit-claim deed; certainly worthless.

The net value of the foregoing properties appears to be.....\$40,466 97

OTHER PROPERTIES.

An equity in three bonds and mortgages deposited in the insurance department, for account of Government Security Life Insurance Company. The amount of mortgages is..... \$8,500 00
Reserve against which they are held, about.. 1,300 00

Net value..... 7,200 00
Paid-up life insurance in the New England Mutual; cash value..... 745 00
Brooklyn park loan bonds.....\$27,000 00
United States bonds..... 21,000 00

Value..... 48,000 00
Above on deposit with Drexel, Morgan & Co., in litigation.

| | | |
|--|-------------|----------|
| State of Virginia bonds..... | \$35,700 00 | |
| Valued at | | \$17,493 |
| Have been attached in suits. The above are on deposit in Richmond, Va. | | |
| Virginia State certificates for unpaid interest | 714 00 | |
| Coupons over-due..... | 1,005 00 | |
| | | <hr/> |
| Value of all, estimated..... | | 1,000 00 |
| Temporary loans without collaterals..... | \$8,370 76 | |
| Of which \$2,000 has been paid, possibly good for \$1,000 more, making in all..... | | 3,000 00 |
| Bills receivable..... | 9,957 53 | |
| Of which \$5,788.60 are secured by policies in force, and having a value exceeding that amount, the rest probably worthless, but value estimated..... | | 4,788 60 |
| Premiums due on the 8th of March, 1877, and since collected, about..... | | 7,500 00 |
| Cash paid over to the receiver..... | | 4,527 66 |
| Furniture, worth for use..... | 5,000 00 | |
| For sale, perhaps..... | 2,500 00 | |
| | | <hr/> |
| Value for use..... | | 5,000 00 |
| Mortgage on property in North Carolina given to secure..... | \$1,007 38 | |
| Property said to be worth the amount, but no sale in these times; may be estimated at | | 250 00 |
| Mortgage on property in Mobile, Ala., to secure..... | 761 67 | |
| Ought to be worth..... | | 100 00 |
| Mortgage on a cotton mill at Eaton, Madison county, N. Y., for..... | 8,000 00 | |
| In foreclosure, and worth whatever the prop- erty is worth, less expenses of securing title. Property in bad condition; rents for \$24 per month. Perhaps worth..... | | 3,500 00 |
| Mortgage on a factory at Terryville, Conn. Mortgage..... | 10,000 00 | |
| Not occupied, in bad condition, worth what- ever the property is worth, value of which is impossible to state; there ought to be at least a chance of getting \$2,500 out of the \$10,000 advanced. Estimated..... | | 2,500 00 |
| A second mortgage for..... | 3,000 00 | |
| On house and lot in West Eighty-third street, between Eighth and Ninth avenues. First mortgage for..... | 10,000 00 | |
| Value of premises..... | 6,755 00 | |
| Mortgage worthless. | | |
| Real associate stock of San Francisco, par value..... | 4,000 00 | |
| Present value unknown. | | |

The net value of the foregoing premises and properties
appears to be \$105,604 26

It is too early to claim and to estimate at any fixed value as an asset, the sum in controversy between the receiver as a representative of the rights and interests of the policy holders of the North American Life Insurance Company and the Universal Life Insurance Company to recover moneys alleged to have been wrongfully appropriated from the treasury of this company. That the receiver is in earnest, and will prosecute his suit with vigor and with such expedition as the course of justice will allow, may be accepted as one of the fundamental facts of the situation.

Liabilities.

We will now bring together, for a final comparison, the facts bearing upon the question which has been the subject of this investigation, of the sufficiency of the assets, credits, and future premiums of the company, to meet and discharge all its obligations, as these shall mature by the terms thereof. The liabilities of the company may be stated as follows—on the whole business of the company, in its registered and non-registered departments:

| | |
|--|---------------------------|
| Present value of registered policies in force, after deducting loans and deferred pre- miums | \$979,362 |
| Registered value on matured endowments and death claims | 30,527 |
| <hr/> | |
| Liability on registered part of entire business | \$1,009,889 |
| Present value of non-registered policies, de- ducting loans and deferred premiums | \$1,717,289 |
| Non-registered matured endowment and death claim liability | 194,667 |
| <hr/> | |
| Total | 1,911,956 |
| Miscellaneous liabilities | 1,984 |
| <hr/> | |
| Total liabilities | <u><u>\$2,923,829</u></u> |

To meet and discharge the foregoing liabilities, the company appears to have resources as follows:

RESOURCES.

For special or registered policy account of entire business :

| | |
|------------------------------------|---------------------------|
| Value of bonds and mortgages | \$942,054 |
| United States bonds | 63,000 |
| <hr/> | |
| Total for special account | <u><u>\$1,005,054</u></u> |

For general, or all policy account :

| | |
|---------------------------|----------|
| Bonds and mortgages | \$95,500 |
| United States bonds | 6,500 |

| | |
|---|---------------|
| Equity in real estate | \$24, 123 |
| Real estate owned | 40, 447 |
| Other properties | 105, 604 |
| <hr/> | |
| Total resources for entire business | \$1, 277, 228 |
| <hr/> | |

There has been paid on account of the principal of the bonds and mortgages in the Insurance Department since the 8th of March, \$9,500. The \$6,500 United States 5-20s deposited in the Insurance Department for general account have been called and paid off, and the proceeds invested in the purchase of \$6,450 Government 4½ per cents. These are not material changes, but are noted for the purpose of harmonizing our statements with the Department record.

REVIEW OF THE SITUATION.

We are now prepared to survey the situation, and see what is the prospect, with the resources at command, of being able to meet and discharge the obligations of the company as they shall mature. The demands of the situation are these: Upon the entire business of the company, we require for matured obligations \$227,178, and as a "reserve," corresponding with the present value of policies in force, the further sum of \$2,669,651, so invested as to yield at least 4½ per cent; that is, we require assets amounting to \$2,923,829, where we have but \$1,277,228, a deficiency of \$1,646,601, and these not yielding 4½ per cent, as we shall presently show. Besides the sum of \$227,178 in ready money which is required to discharge matured policy obligations, if the company is to go on, there must be a further sum in ready money obtained from some source with which to relieve the properties of the company from the lien of taxes and assessments, amounting, exclusive of those about being confirmed for the present year, to not less than \$35,000. That is, from the assets of the company, such as we have described them to be, there must be realized at once, or certainly within a very limited time, over \$260,000. Let us then turn to the premiums to be received and see if here there may not be a margin over the net premium sufficient to make good some or all of this deficiency. We find that the whole amount of these premiums from all policies is but \$167,000 per annum, with which, after paying expenses, to meet maturing endowments and death claims; and with the interest upon paid-up loan policies, the policy income only amounts to \$184,000. But over \$77,000 of this income is required to carry the paid-up policies alone, even upon the theoretical assumptions of the tables and of the law concerning mortality and interest. These paid-up policies are a mill-stone about the neck of this company, sufficient of themselves to sink it into the deep sea of insolvency. But let us look a little further into this premium account, in order to see what we can do with it. Out of this \$167,000 — or including the loan interest, \$184,000 — as we have seen, the maturing obligations are to be paid. The death claims paid in this company in 1876 amounted to \$264,000, and the matured endowments to \$283,000. This, however, was upon a considerably larger policy list than there is at present. But for 1877 the endowments maturing amount to \$183,000. It will

take the entire policy income of the present year just to pay the maturing endowments, leaving nothing with which to pay either expenses or death claims. But the latter are now, even upon the present reduced policy list, maturing at the rate of nearly \$200,000 a year. Notices of deaths occurring after the appointment of the receiver, and amounting to nearly \$100,000, were filed within six months after his appointment. In the light of such facts, what is the significance of a beggarly premium account of \$167,000 with which to discharge obligations of over \$300,000. The case here is in a nut-shell; the valuable paying policies have been, by surrender and assignment, culled out so far as they could be reached, leaving, for the most part, inferior policies and inferior risks. No amount of actuarial work or skill, no nice balancing of "liability" against "reserve," can here make good the cavernous deficiency with which, upon every hand, we are confronted.

In view of what is thus presented — whether the value of policies shall be computed "gross" or "net," whether the "loading" of premiums is or may be 25 or 40 per cent., become wholly immaterial and irrelevant questions. The facts of the situation are stronger than all mathematical formulas and actuarial assumptions or methods, and in the case before us concern themselves only with the financial possibility of making two equal to three and a half. But even the meagre premium account which we seem able to command is of most precarious tenure. The stopping of premiums and the demand for paid-up policies will begin simultaneously with an order from this court directing the receiver to resume the collection of premiums and the payment of claims. Even if the receiver could start untrammelled by claims already matured, and with a premium income only charged with future obligations within six months he would find his trust hopelessly insolvent from the cutting off of his resources from premiums, through the surrender of premium-paying policies. It may be objected that this is only "assumption." True, but when we get outside of cash, *good* mortgages and Government or first class State securities, the whole insurance business will be found to rest upon "assumption." The facts of experience concerning the surrender of policies are as palpable as those concerning the mortality of the race, and under conditions of distrust, apprehension and embarrassment, such as affect the question here, the course of business in the surrender of policies can be predicted with a certainty more unerring than that of any mortality table ever constructed.

SEPARATION OF THE REGISTRY BUSINESS.

But we are finally to consider what will be the situation if the registered business of the company shall, after the manner of the Prodigal, take the portion belonging to it, and set up in business for itself. In the first place, in the event of such a separation, the registered policy fund or account, instead of being charged with only the registered value of matured registered endowments and death claims, which we found to be but \$30,527, will be at once chargeable with the entire amount of these matured registered obligations. These matured registered endowments amount to \$11,300, and the registered death claims to \$111,751, or a total matured liability, chargeable to registered policy account, of \$123,051. The present value of registered

policies in force we found to be, and stated at, \$979,362. The total liability on registered business, independently of the non-registered, will be \$1,102,413. This liability, then, is the measure of the "reserve" required to carry on the registered business by itself. But referring to our revised schedule of assets, or resources, we find that we have for special or registered account but \$1,005,054, or nearly \$100,000 less than is required. This, upon its face, does not look so hopeless as did the condition of the entire business, which was deficient in an amount of \$1,646,601; and proves that there was, and is a virtue in the registry system, which fairly well administered, would prove in fact highly conservative of the interest of policy-holders. This deficiency of \$100,000, or about ten per cent. of our required reserve, would not of itself be conclusive against possible recuperation under the direction of the receiver, if all the remaining conditions were favorable to such a result. These favorable conditions would be: First—The deficient resources carefully invested in good securities, producing more than $4\frac{1}{2}$ per cent. (because we have a deficiency to make up), and these securities themselves readily convertible, when required, without depreciation. Next we should require a premium income, sufficient to discharge the maturing obligations from endowments and death claims (the latter not to exceed a normal rate of mortality), to pay all the expenses of conducting the business, and contribute to making and keeping good a constantly increasing reserve, which starts with an acknowledged deficiency of 10 per cent. How far away we are from such conditions as these — conditions absolutely indispensable to the success of this scheme — our investigation has, in a general way, most clearly indicated. Let us consider the question a little more in detail. A somewhat careful analysis of the sources of revenue from the special deposit fund, with the details of which I will not burden this report, has been made by the actuary, and produces a total net income at present derived from the properties belonging to this fund, of \$39,500. This is $3\frac{1}{2}$ per cent. on the par or face value of these properties, and $3\frac{2}{10}$ per cent. on the reduced or estimated value of the same. We require, to meet the conditions of our problem, an income of $4\frac{1}{2}$ per cent. on a "reserve," or principal sum of \$1,102,413, that is \$49,600. Instead, therefore, of finding a surplus of revenue from interest, with which to help make good the deficiency in "reserve," the interest account is deficient by more than \$10,000 annually. Concerning the character of those properties in respect to their ready convertibility into money, enough has been disclosed in a former part of this report. So far from producing the amount called for by our estimates of value, it is very certain that many of those properties could only be disposed of at forced sale, and at a very considerable loss. And yet the immediate conversion of some of those properties is one of the facts of the situation which we must confront. The matured obligations on registered policy account amounted, as we have seen, on the 8th of March, to \$123,000. Those maturing since will, we may presume, and will presently show, absorb the premiums accruing since that time, and payable whenever the order of the court shall direct the receiver to proceed with the business. Here, then, are \$123,000 to be provided for at once out of these interest and tax-burdened mortgages and mortgaged properties. And in all this we make no account of another year's taxes and of interest accruing

upon these matured obligations, to still further burden and complicate our problem. Surely, in the character and condition of our resources there is nothing that inspires any hope of making good the conceded deficiency in our reserve with which we set out.

RESOURCES FOR PREMIUMS.

As a last resort, we turn to the premiums receivable, to see if these will afford margin enough to make good the deficiencies found elsewhere. The problem becomes more complicated, and more difficult, as we proceed; for now, we find, that not only must our own premium income bear its own natural burden of discharging maturing obligations, paying expenses, and contributing to an increasing reserve, not only do we demand of it to try and make good the original deficiency of \$100,000 in that reserve, but we are further compelled, as a necessity of the situation, to call upon it to make good the annual deficiency of \$10,000, in the productive capacity of that insufficient reserve. Surely it will require a very robust and richly loaded premium to fulfill requirements like these! Let us see then, first, what is the amount of this premium, receivable from registered policies, and what are the burdens which it must bear, the obligations which it must discharge, on its own account, before it can take up any of the burdens imposed by shortcomings in other departments of the business. The premiums from registered policies, as these were found to be in force on the 8th of March, amounted to \$102,157. Let us see what are the prospective demands upon this resource. Since the 8th of March, a period of about six months, there have been filed fifteen registered deaths claims, amounting to \$41,600. This indicates a fearful annual mortality of nearly twenty per 1,000, and about \$80,000 of assurance to provide for out of this premium income of \$102,000. This would leave \$22,000 out of which to meet maturing endowments, pay expenses, contribute to the natural increase of a normal reserve, and in the present instance, make good a deficiency in reserve income of \$10,000, besides contributing to a sinking fund that is to restore \$100,000 to the principal of that reserve. The endowments maturing during the remainder of the calendar year, after March 8th, are at the rate of about \$20,000 per annum, the payment of which will leave just \$2,000 with which to defray expenses, and discharge all the obligations to the reserve, which premium income ought, on its own account, to discharge, besides making good the deficiencies enumerated from other sources. We find, therefore, upon the very threshold of our inquiry—without going into a detailed calculation of all the elements entering into it—that the future premiums to be received are not sufficient to pay the future obligations, at the rate these are found to mature—let alone their contributing to make up the deficiency in reserve and in the income from investments. It would seem, therefore, that we need not push this inquiry further, in order to show to this court the utter futility of any effort to carry on by itself, in the manner provided by law for the general business, the registerial department of the business of this company. What would or would not be permissible under the law, if the actuarial conclusions had been favorable to such separation and prosecution of the registerial business, is outside of any inquiry which it is the province of the actuary to consider.

CONTINGENT LIABILITIES.

Besides all the foregoing accumulation of evidence from the real, actual and tangible facts of the situation bearing upon this question of the sufficiency of the resources—assets, credits and premiums—from the registered policies to discharge the obligations of those policies as the same shall mature according to the terms thereof, there has opened before the actuary, in the progress of his investigation, a conjectural liability of indefinite dimensions, which the urgent demand for an early report upon the case rendered it impossible for him to explore and reduce to defined limits, or even to bring within rational estimates. This condition arises upon evidence now in the receiver's office, that some policies—one certainly, paid up for so large an amount as \$6,000—which are marked as cancelled upon the company's books and which have not entered into the foregoing calculations of liability are in fact in full force by their own terms. The suggestion from a single policy of this kind opens a wide and fruitful field of inquiry and research which may serve to confirm and to emphasize the conclusions of this report, but cannot possibly oppose or reverse them. It is proper further to notice another obligation which, in the adjustment of the rights and equities between registered and non-registered policyholders, it may be held that the registered policy fund is bound to discharge. This prospective obligation arises upon several hundred registered policies surrendered to the company and now in the receiver's hands, the surrender value upon which was paid out of the general fund. It will then become an important question whether the general fund is not entitled, on behalf of the non-registered policyholders, to recover from the special registered deposit fund the sum in this way advanced on its account. This is a purely legal question upon which the actuary, of course, advances no opinion. He recognizes only the possibility of such a demand to be made and its possible admission as a valid and subsisting claim, whereby to further burden this already overburdened registered reserve.

If any suggestion or hope for bettering the condition of things should arise from the thought that the condition of these depreciated properties will some time improve and bring up the "reserve" to its proper standard of value, the futility of such hope will be apparent upon reflection that the situation is such that under an order to resume business the receiver could not wait for this improvement to come. There must be an immediate and a *continuous* conversion of these inferior properties to meet and discharge obligations already matured, and to make good deficiencies in the income from interest and premiums, wherewith to meet and discharge future maturing obligations. In homely, but very expressive phrase, and fitly characterizing the situation, the company if it is to go on with the entire business, or with the registered business only, must begin operations by eating its own head off. In short, the end is seen from the beginning; it is hardly a play upon words to say that the beginning is the end. In proof of the loss certain to follow a forced sale of any of the foregoing properties we have the instance already noted, of the sale of premises on Seventy-fourth street, where the company had an appraised equity of \$3,000, which has entered into our estimates of 8th of March, and which that sale obliterated.

The actuary has deemed it outside of his province and functions to enter upon any inquiry concerning the management which has wrought the disastrous and melancholy results which are herein set forth. He has found his duty confined to ascertaining and making known, to the best of his ability and opportunities, what is the present condition of the company with reference to the main subject of inquiry set forth in the "Statement of the Question" at the beginning of this report. The receiver has diligently and carefully employed his abilities and energy in an investigation of the causes which have wrought results so disastrous. Upon this branch of inquiry he will cause himself to be heard in due time.

EMERSON W. KEYES,
Actuary of the North America Life Insurance Company.

STATE OF NEW YORK, }
County and City of New York, } ss.:

Emerson W. Keyes, being duly sworn, deposes and says that he is actuary of the North America Life Insurance Company, appointed by the receiver, the Hon. Henry R. Pierson, and approved by the Superintendent of the Insurance Department, that he has made a careful investigation according to the standard fixed by the laws of this State, into the condition of the said company, and that the facts found and conclusions reached by him upon said investigation, are fully and truthfully set forth in the foregoing report; and further deponent saith not.

EMERSON W. KEYES.

Subscribed and sworn to, on this }
3d day of October, 1877, before me }
[L. S.]

GEO. R. JAQUES, *Notary Public, New York.*

RECEIVER'S OFFICE, }
NEW YORK, *April 27, 1880.* }

Hon. C. S. BAKER, *Chairman Insurance Committee, Assembly Chamber, Albany, N. Y.:*

SIR — I beg herein to hand you report as to condition and assets of the Guardian Mutual and other companies, of which I am receiver.

I purposed to have inclosed this in my report to you of the 24th inst., but by some inexcusable neglect it was omitted.

Yours, very truly,

H. R. PIERSON,
Receiver.

Hon. C. A. Baker, Assembly.

THE GUARDIAN MUTUAL LIFE.

REPORT OF RECEIVER HENRY R. PIERSON.

Interesting Developments — Official Report of the Result of the Investigation — The Legal Problems Involved in the Amalgamation Processes.

The following is a synopsis of the report of Henry R. Pierson, Re-

ceiver of the Guardian Mutual Life Insurance Company, filed in the Schenectady County Clerk's office on the 29th of September last.

SUPREME COURT — SCHENECTADY COUNTY.

In the matter of the Guardian Mutual Life Insurance Company.

In the matter of the Widows' and Orphans' Benefit Life Insurance Company.

In the matter of the Reserve Mutual Life Insurance Company.

In the matter of the New York State Life Insurance Company.

To the Honorable the Supreme Court of the State of New York:

I, Henry R. Pierson, receiver of each of the above-named insurance companies, hereby make the following preliminary report:

PURPOSES OF REPORT.

The object of this preliminary report is, *first*, to put into the possession of the court the results of the investigations thus far made into the condition, transactions and the history of these companies; and *second*, to present for determination some important legal problems which have arisen and which stand in the way of a speedy and just distribution of these companies. A point has now been reached when it is essential that the instructions of the court should be had upon the following subjects:

1. What are the legal and proper methods of calculating the amount of the claims of policy-holders whose policies were in life at the time of the dissolution of the company?

2. Upon what theory of law shall the accounting be made between the reinsured and the reinsuring companies?

3. What steps ought to be taken to ascertain outstanding but unknown claims against the company, and to cut off and protect the receiver against such claims as are not presented and filed?

4. To obtain such action by the courts as that the rights and relations of the receiver and of the Superintendent of the Insurance Department to the securities deposited with the latter officer shall be finally determined.

WHY THIS REPORT EMBRACES THE FOUR COMPANIES.

The appointments of the receivers for each and all of the above-mentioned companies were made at a special term of the court, held at Schenectady, on the 8th day of March, 1877.

The reasons for appointing the same individual as receiver of each of these companies became apparent as the work progressed.

For similar reasons hereinafter developed this report, of necessity, embraces the four companies mentioned in the title.

AMALGAMATION PROCESSES.

At the time of my appointment all of these companies were substantially under the control of the Universal Life Insurance Company

having, under the operation of certain contracts hereafter discussed more at length, obtained possession of the offices and property of the Guardian Company. This meant, of necessity, the offices and property of each of the other companies, which, by process of amalgamation, had become consolidated with the Guardian Company. In fact the business of each of said companies was at the time of their dissolution conducted under the same roof and by the same directing hand as that of the Universal Company.

The dates of the organizations and consolidations of the respective companies are as follows, with the amount of capital stock:

[Here follow date of organization and consolidation.]

The mutual obligations of these companies will appear from the written contracts hereafter referred to, which will be presented to the court.

It will be seen that on the 24th day of March, 1874, the date of the contract between the Guardian and Universal companies, the former company was the owner and representative of all that then remained of the other three companies mentioned in the title of this report. Nominally the corporate organizations of these companies were kept up, but practically the whole business was conducted and performed by the Guardian Company.

No new policies appear to have been issued by either of the reinsured companies after becoming consolidated with the reinsuring company.

In the case of companies reinsured by the Guardian no entries appear to have been made in the books after certain dates, and therefore the transactions of such companies are, in the main, to be found in the books of the absorbing company, so that an examination into the affairs of the Guardian Company must, of necessity, include those of each of the other companies; while on the other hand, an investigation into the condition of either of the other companies leads of necessity into the internal affairs of the Guardian Company. Whatever may be said or thought of the character of those so-called amalgamation contracts, it appears to be advisable to accept them as executed contracts; so far at least as the winding up process is concerned, but of that the court will determine.

HYPOTHESIS UPON WHICH THE REPORT IS NOW MADE.

It was clear, very early in the investigation, from the books of the various companies, that the business had been conducted upon the basis of the reinsuring contracts. The Guardian Company had, apparently upon all policies reinsured by it, received all the subsequent income and had paid all the losses and expenses. Many of the reinsured policy-holders, however, in each of the companies retained their original policies. The exact terms upon which policies were transferred from one company to another was not clear from the books. To commence a system of unraveling and unwinding the involved and interwoven affairs of the various companies, upon the theory that the reinsuring contracts were illegal, I determined was for the time being unnecessary.

I proceed, therefore, in this report upon the assumption that those contracts have been carried out in good faith by all parties, and, bearing in mind the trusts created by statute for the policy-holders, shall

present precisely what the books show in relation to the outstanding policy obligations of the various companies and what has been ascertained in relation to the assets of the companies. If the court shall determine that a just and proper distribution cannot be made upon the hypotheses of this report, a further investigation will be necessary. Or, in case the court shall hold that the said hypotheses are erroneous, in that event also a further investigation and circulation, requiring considerable additional time, will be requisite.

GENERAL REMARKS AS TO ASSETS, BOOKS, SUITS, EXPENSES OF RECEIVERSHIP.

Almost immediately after the appointment of the receiver the work of investigation commenced, and, with the aid of a staff of assistants has been diligently prosecuted up to the present time.

It was determined at once that no more premiums should be received and that action has since been confirmed by the direction of the court, as will appear in the discussion of the Guardian Company.

The labors of the receiver were, of necessity, conducted for a time in the building occupied by the Universal Life Insurance Company, Nos. 17 and 19 Warren street, in the city of New York. All the books and papers of all the said companies were found to be there, as well as nearly all their remaining assets. As soon as practicable however, this property was with few exceptions removed to No. 242 Broadway, where the old office of the Guardian Company had been located, and since the first of May last the work has been conducted from that location.

There were naturally many embarrassments with the preliminary work of ascertaining what assets and property belonged to, and were possessed by, the companies at the time of their dissolution. The manner in which the business of the companies had been conducted by, or under the supervision of the Universal Life Insurance Company had so mixed up and confused the accounts and the properties of the companies, represented by the receiver, that it required much time to separate and classify them.

A careful account of all property received by the receiver was kept and the statement herein contained is full and complete upon that subject. It became manifest, however, very early, that the assets of the Guardian Company, together with those of the other companies amalgamated with it, were very small when compared with the policy obligations outstanding on the books. About all the available property of the companies appeared to have been transferred to the Universal Company, under the operation of the contracts between the Guardian and that company.

It was apparent from the extensive character of the transactions of the companies mentioned in the title of this report:—the enormous interests which had grown up in their history, etc.—that the labor of investigation must be very great and elaborate. A large number of suits was pending all over the country, in various States of the Union, upon policy claims. These suits were being pressed by the prosecuting parties and required the most careful attention and study, to ascertain the character of the defenses set up by the companies, and to determine what action should be taken by the receiver in connection therewith.

Assuming that the property and assets which came into the hands of the receiver were all that these companies possessed, or were entitled to possess, it was a matter of considerable doubt whether such property alone would be sufficient to defray the expenses of the work, and of counsel in resisting claims to which there existed good and equitable defenses. In addition, the investigation had developed some startling facts connected with the origin of the contracts between the Guardian and the Universal Companies, under cover of which several millions of property had been transferred to the latter company, which rendered it of the highest importance that suits should be brought to test the validity and honesty of the contracts and the transfer of this vast amount of property. * * *

In view of these considerations a petition was presented to this court asking for instructions, and especially for the determination of the question as to whether the receiver would be protected in incurring the necessary expenses attendant upon a further investigation, by the securities on deposit with the Superintendent of the Insurance Department. Also, whether such securities would be available in the absence of other available property outside of them, for the prosecution of suits to recover assets of the companies wrongfully converted or detained. The action and determination of the court upon that application will be found in the opinion of Mr. Justice Landon in the appendix. * * * An order having been entered in conformity to this decision, and no appeal having been taken therefrom by the Superintendent of the Insurance Department or the Attorney-General, the receiver proceeded with the work, relying upon the decision and the order therein. * * *

By permission of the court a suit has been commenced to recover a large amount of assets belonging to the Guardian Company, and a copy of the complaint will be handed to the court.

The books of the various companies showing the remaining policyholders therein, and the status of each policy, have been carefully examined and from them it is believed that a reliable report has been made. Still it is important before a distribution is ordered, that some public notice should be given for the filing of claims, to the end that the distribution shall be final and conclusive. No general notice has yet been given by the receiver, as the statute under which he was appointed seems to leave that and all other matters connected therewith to be determined by the court.

Serious embarrassments have arisen in conducting the investigation, growing out of the fact that thus far the Universal Company has neglected to comply with the request of the receiver, that it should furnish an account made up from its own books, of the transactions between the Guardian Company and itself. It is possible that such an account can be finally had in the suit brought by the receiver against the Universal Company and various of its officers. It is doubtful whether any settlement of any character can be had between the two except through the instrumentality of proceedings in the courts. A final and absolute distribution cannot be made until the determination of the action referred to, or by means of some other proceedings which it may be advisable hereafter to take.

An examination of the books of the several companies shows large unsettled open accounts, in regard to which uncertainty exists as to their correctness and value. From time to time entries in the books of the reinsured companies ceased altogether, so although these open accounts are largely between the different corporations, the books of no two companies agree as to balance of account between them. It is clear, however, upon the assumption of this report, to wit: that the reinsuring companies became liable for all the obligations of the reinsured companies, besides their own, and are also entitled to all assets, including the securities deposited with the Superintendent of the Insurance Department, after such securities are applied to the payment of the claims of the beneficiaries secured by such deposit; it is clear that although some policy-holders may receive the full value of their policies upon distribution, the majority of policy-holders will receive only *pro rata* amount. This, of course, is exclusive of any recovery from the Universal Company or its officers.

POLICYHOLDERS' CLAIMS AGAINST THE COMPANY.

A question of grave importance necessarily arises in relation to the amount which each policy-holder is entitled to claim against the company in liquidation.

The determination of this question must be reached by the court, before any distribution can be made. The theory upon which the policy values have been reached in this report is precisely the same as that adopted by the Insurance Department of the State in testing the solvency of insurance companies. It is known as the "net valuation" method.

Each policy-holder is by this method of calculation given the benefit to which he seems to be entitled, of the premiums paid into the company. The present policy value is not the sum of the premiums paid with interest at seven per cent to the date of the dissolution of the company. Such a calculation would ignore the whole principle of life insurance. It would be a discrimination in favor of certain classes of policy-holders, and be a species of preferring one class over another.

The calculation adopted in all cases considers the precise benefit which the policy-holder has received during the running of his policy, as also what consideration or benefit he has paid for but not received. It says to the policy-holders:

Your premiums have purchased for you this benefit, viz.: that had your policy matured at any moment during the solvency of the company it would have been paid just as the policy-holder, whose policies have matured have received the amount of their insurance. To pay these latter a certain portion of your premiums have been taken. That is a principle of life insurance. Now that the company has stopped business, even if solvent, you cannot expect to receive back all that you have paid in premiums, because, 1st, some portion of each of your premiums, as was expected, has gone to pay the policies that have matured, and 2d, another portion of them has gone to pay the expense of conducting the business. In calculating the amount of your claim, on the "net valuation" method, a deduction is made from each year's payment for the purposes above stated, and the balance carried to

your credit. You are also credited annually with four and one-half per cent interest, compounded, on each year's payment, and on the net balances standing to your credit. This rate of interest is taken for the reason that under the law of the State, a company at any given moment in its existence is regarded as solvent if the assets on hand, together with the future premiums, are sufficient, interest being received and compounded at four and a half per cent, to meet all outstanding policy obligations. The presumption at any time is, that the interest received by the company in excess of four and a half per cent has been paid back in dividends to the policy-holders. Again, it must be borne in mind that four and one-half per cent interest when compounded for several years is largely in excess of seven per cent, simple interest.

The attention of the court will be called to the decision of the Supreme Court of the United States, in the case of the New York Life Insurance Company v. Statham and others, which is regarded as far as it goes, as a judicial authority for this method of calculation. *

The attention of the court will also be called by counsel to the contrary conclusion reached by eminent judges in England, * * * in which the only two equitable methods of answering the question suggested have been sustained by the closest and ablest reasoning. The method herein adopted seems to be all, things considered, the more equitable and practicable of the two.

THE GUARDIAN COMPANY.

History — The Guardian Mutual Life Insurance Company was organized in 1859, with a capital stock of \$125,000. * * *

The company declared and paid seven per cent dividends on its own stock, annually, up to July 1, 1873.

No dividends appear to have been paid on the stock of any of the other companies after the making of the contracts with the Guardian Company.

In January, 1872, this company made an agreement with the New York State Life Insurance Company for the reinsurance of the policy risks of the latter company. The action of the Board of Directors of the Guardian Company as found in the minutes of the Board will be presented to the court. A similar statement of the action of the Board of Directors of the New York State Company will also be handed up to the court.

At the time of the making of this contract of reinsurance, the condition of the Guardian Company as appears from its annual statement, was as follows :

| | |
|--|----------------|
| Total admitted assets..... | \$2,406,033 91 |
| Of which premium loans and notes on policies in force | 1,177,932 60 |
| Total present liabilities as to policy-holders..... | 2,314,265 00 |
| Total policies in force at the end of the year (1871) | 10,766 |
| Insuring..... | 22,968,239 00 |

In June, 1872, this company also authorized the making of contracts with the Reserve Life Insurance Company for the reinsurance of the policy risks of the latter company. The Reserve Mutual had, prior to that date, entered into a contract of reinsurance with the Widows and Orphans' Benefit Life Insurance Company. The action of the Board of Directors of the Guardian Company, authorizing the contracts, also copies of the contracts themselves will be furnished to the court. The action of the Boards of Directors of each of the re-insured companies will be found hereafter referred to under the heads of those companies.

It will be seen that under the power thus given, four contracts of reinsurance or indemnity were entered into between the Reserve Mutual and Guardian Companies, covering specified lists of policy obligations. The particular changes which subsequently occurred in these reinsured companies are hereafter shown.

Annual Statements—The annual statements required to be under oath, of the Guardian Company, down to the making of the first contracts with the Universal Company, dated March 14, 1874, as follows:

December 31, 1872.

Total admitted assets..... \$3,484,716 92

Which include the following:

Premium notes and loans on policies in force on interest..... \$987,186 33

Due from other companies on account of reinsured risks..... 189,707 98

Total present liabilities, except capital..... 3,477,247 00

Surplus as regards policy-holders..... \$7,469 93

Total policies in force at end of the year (1872)..15,117

Insuring a total of..... \$32,744,940 00

December 31, 1873.

Total admitted assets..... 3,976,976 84

Including the following:

Premium notes and loans taken for premiums on policies in force..... \$671,110 44

Due from other companies on account of reinsured risks..... 46,724 31

Total liabilities as to policy-holders..... 3,974,822 00

Surplus as regards policy-holders..... \$2,154 84

Total policies in force at the end of the year (1873)..... 13,634

Insuring..... 28,359,809 06

By an examination of the detailed statement of the assets of the company (which fact is confirmed by the statement of the chief accountant of the Universal Life Insurance Company, made to the receiver soon after the appointment of the latter) it will be seen that

about all the available negotiable assets of the company on the 14th day of March, 1874, was \$2,400,000.

Contracts with Universal Life Insurance Company—On the 11th day of March, 1874, the Board of Directors of the Guardian Company authorized the making of a reinsurance or indemnity contract with the Universal Life Insurance Company covering eight per cent of the policy risks of the former, as specified in the contract. The contract was made and entered into between the companies. The resolutions of the Board of Directors, and also copies of the contracts made at the time, as well as the subsequent contract covering the whole of the policy risks, and extracts from the minutes showing the action of the Board of Directors in connection therewith will all be furnished to the court. This covering of the balance of the risks was required by the Superintendent of the Insurance Department in 1875.

It will be seen that this contract covers the policy obligations upon which the Guardian Company is liable, whether issued by itself or by the companies reinsured by such Guardian Company.

The officers of the Guardian Company at the time of the making of this contract of March, 1873, and subsequently, are as follows :

In March, 1873, A. W. Gill was President, Everett Clapp was Vice-President, Lucius McAdam was Secretary. In March 1874, the same officers were elected. March 11, 1874, H. J. Furber was elected a director of the company. April 8, 1874—On this day it was resolved by the Board that a treasurer be appointed, no such office having previously existed, and Mr. H. J. Furber was elected such treasurer; and it was made his duty to take charge of the care and custody of the securities of the company, etc. On the same day, Messrs. Walker, Bewley, Lambert and Montague were nominated directors of the company (they being at that time officers and directors of the Universal Life Insurance Company), in the place of Messrs. Opdyke, Kittridge, L. S. Homans and Butler, and on the 14th of October, 1874, the election of the nominees were consummated.

On March 17, 1875, the following officers were elected: Andrew W. Gill, president; George L. Montague, vice-president. The other officers held over.

In the election of March 15, 1876, no change of officers occurred.

* * * * *

Under cover of this contract of March 14, 1874, large amounts of the assets of the Guardian Company were immediately transferred to the Universal Company, without waiting for the reports called for by the contracts. Very soon thereafter the officers of the former company were transferred to those of the latter, and the control and direction of the business and affairs of the Guardian Company and the other companies so consolidated with it, passed absolutely into the hands of the officers of the Universal Company.

To unravel and unwind the acts the doings of the Guardian Company in connection with this contract, while a difficult task, is yet for the interests of justice and of fair dealing as well as on account of the magnitude of the interests involved, a duty of paramount importance to be performed by some one clothed with proper powers. The haste with which first \$2,400,000 of the assets of the Guardian were transferred to the Universal after the making of the contract and subse-

quently about all that was left, will present at the proper time a feature worthy of serious consideration and appropriate comment.

The assets given below, which have come into the hands of the receiver, when compared with the amount of the company by its sworn reports appear to have possessed, augmented by the income, which of necessity must have been derived by that company, will furnish an exhibition which it is unnecessary at this time and in this report to characterize. It is more appropriately the subject of judicial inquiry and animadversion.

Performance of contract.—In the interview had at an early day with the responsible head of the Universal Company, Mr. Henry J. Furber, the following statement was made as to the performance and compliance of the contract :

Mr. Furber—"Under our contract with the Guardian Life Insurance Company, we have kept the business of the two companies entirely distinct. The Guardian Life Insurance Company * * kept its own accounts, settled with us at stated periods, according to the terms of the contract. We agreed if they would pay us certain sums of money, from time to time, pay us certain sums as the result of premiums, that we would pay them any loss on their policy obligations."

Q. "Have you ever concluded to do it? A. "Yes, sir; I have got an account with the Guardian Life Insurance Company from the beginning down to the first day of January, showing the exact amount that has been charged to them on our books, and the amount credited to them, and what for." * * *

"A large part of these securities transferred to us by the Guardian Life Insurance Company in payment of the reserve they agreed to pay us consisted of real estate securities in New Jersey—mortgages. When those mortgages were taken property was valued at a sufficiently high price to justify the loans. Within the last three years, however, there has been a great change in the opinion of the public as to the value of an acre of land in New Jersey. In the contract between the Universal Life Company, there is a clause by which the Guardian guarantees to the Universal all the securities which they may transfer in payment of any sum due to the Universal, and agrees to save the Universal from harm by reason of any loss on these securities. I had to take these securities without knowing their real value, with the agreement on the part of the Guardian to make them good. The question of course naturally comes up, if we have the Guardian Life Insurance Company, how can the Guardian become insolvent and the Universal be sound? Simply because our contract was a contract of indemnity to the Guardian, and was conditioned upon their paying to us certain sums of money, which they were not able to pay. We have no contract with the policy-holders of the Guardian. The Guardian Life Insurance Company has got a certain amount of obligations. Now, if we were to sever the contract to-day and say 'you have not performed your part of the contract, and we propose to keep all we have got,' we would be keeping more than we ought. But we propose to say to the Guardian 'your reserve allowed so much which we have agreed to assume, provided you agree to pay us the amount you have agreed to. Now, if you can't pay us that money, all of it, we will take care of your policy-holders to the extent that you can pay.'"

It will be seen from this, first, that the contract was regarded by the Universal as not having been complied with by the Guardian, and second, that it was proposed to retain a large portion of the assets transferred to the Universal or otherwise to enforce the penalty of the bond, to wit: A retention of all the property thus obtained on the theory of willingness to perform and performance by the Universal Company.

Assuming these statements to be correct and true, and that the whole transaction of the making of the contract was honest, and it was too plainly evident that the Guardian Company, as well as its receiver, was powerless and in the hands of the Universal Company, with little hope of saving any thing except what might be surrendered as matter of condescension and gratuity, and not as matter of right. Notwithstanding these statements, however, the receiver pursued his investigations under manifest embarrassments to get at the bottom of what upon his face appeared to be an extraordinary proceeding.

Bearing in mind that the possible rights of the policy holders in the Guardian, under the contract, might be jeopardized by a failure to collect and pay over the premium receipts to the Universal Company, the subject was immediately after the interview above mentioned most carefully considered as to whether these premiums should be collected and paid over. It was determined after mature consideration and consultation and in the then condition of the investigation, with little or no knowledge as to the facts or of the dealing between the two companies, that the receiver would not be justified in collecting the premiums upon outstanding policy obligations. The reasons for this action, among others, were as follows:

1st. The companies had been dissolved and no power had been given to the receiver to conduct the business of collecting premiums, etc. On the contrary he was directed to "wind up and settle the affairs of the companies."

2d. Although the court might have been applied to for further powers, yet no facts could at that time have been furnished to the court to controvert the statements made by Mr. Furber.

3d. Accepting those statements as true (and the Universal Company would be estopped from denying them in consequence of the receiver acting as he did, relying upon their truth) and no object was to be gained by an attempted partial performance of a contract which, it was claimed, had been entirely broken.

4th. Enough was known to create serious doubt in the mind of the receiver of the solvency of the Universal Company. It was then under examination by the superintendent of the Insurance Department. From the known sagacity and firmness of that officer it was evident that the Universal could not be saved without clear and abundant proofs of its solvency. It was, of course, an unnecessary proceeding to collect premiums unless paid over within the terms of the Universal Company. To pay over to the Universal Company under the circumstances would have been an utter folly, assuming that company itself to be insolvent.

In consequence notices were sent to each policy holder in each of the said companies. * * * * *

Subsequently upon learning additional facts they were set forth in an application to the court and direction and instructions of the court were given as to the duty of the receiver in collecting and paying over the premiums falling due. * * * *

The subsequent investigations of the receiver, supplemented by those made by the Superintendent of the Insurance Department, developed information upon which the receiver has acted in bringing the suit for the recovery of assets. Assuming this information to be true, the receiver was brought to the conviction that not only was the Guardian Company not powerless in the hands of the Universal Company and its officers under the contract, but that the Universal Company itself should of right respond to the demands of Guardian Company for the property in its possession belonging to the Guardian Company, which had been filched away from it by fraud and conspiracy, and that the officers who had been connected with the original transaction should be required to explain why such tortuous paths were taken by them while conducting the affairs of the company.

It will be seen that Mr. Furber states that full accounts were kept by the Universal Company. Long before any hostile action by the receiver, promises were made that copies of such accounts would be furnished to him. These promises were frequently repeated and as frequently broken, until an element of disingenuousness and equivocation pervaded the proceeding wholly inconsistent with the apparent frankness with which the promises were accompanied.

The completeness and thoroughness with which the work of wrecking the Guardian Company was performed will be more clearly understood by careful attention to what is shown under the following head.

THE ASSETS.

I assume that the work committed to my care embraces not only a winding up and settling of affairs of these companies, but also an unwinding before the mind of the court as well as of the policy holders and the public, the transactions within reasonable limits, which have served to bring the companies where they are. Hence, matters are herein adverted to which may not directly pertain to the objects which are sought to be now attained, but which cannot be dispensed with in considering the general subject.

On the 4th day of April last Mr. Furber testified as follows before an investigating committee of the House of Assembly of the State :

Question. About what was the actual amount of insurance of the Guardian at the time this arrangement was made? Answer. The actual insurance liability was about \$28,000,000.

Q. How soon after that arrangement was made was the Guardian put into the hands of a receiver? A. About three years.

Q. At the time when the Guardian was put into the hands of a receiver what were its assets? A. That I cannot tell you.

Q. Your company had the control of it; did they not? A. Yes; and I will tell you why I cannot tell you. The Guardian Mutual Life Insurance Company had previously reinsured the New York State Life Insurance Company; the Widows' and Orphans' had previously been reinsured in the Reserve Mutual, and the Reserve Mutual had

reinsured the Guardian, so that it comprised the New York State Life, the Reserve Mutual and the Widows and Orphans'.

Q. The whole three of them have gone into the hands of a receiver, have they not? A. Yes, sir.

Q. How much were the assets of all of them? A. One million or one million two hundred thousand dollars, I think.

By an examination of the table of assets which have come into the hands of the receiver, below, including the securities deposited with the Superintendent, the discrepancy between the statement of Mr. Furber and the actual assets of the Guardian and other companies will be seen.

It is unnecessary to add that demand was made for all the assets of these companies by the receiver.

COMPARISON WITH THE ANNUAL STATEMENT.

The Guardian Company through its officers continued to make sworn statements to the Superintendent of its assets and liabilities, as follows:

| 1874. | |
|---|--------------|
| Total admitted assets..... | \$683,666 27 |
| (Which includes the following: Loans on policies \$86,- 861.21.) | |
| Total present liabilities..... | 743,789 10 |
| 1875. | |
| Total admitted assets..... | 126,605 05 |
| Total admitted liabilities..... | 20,000 00 |

It will thus be seen that the sworn statements of Mr. Furber of the amount of assets, when compared with that of Gill and McAdam in 1874, and with that of Montague and McAdam in 1875, is largely at variance with the official reports.

Again, it is a matter of interest to compare some items of expenditure as follows:

In 1873 the company reports the following item:

Paid for salaries and traveling expenses of managers of agencies, and general, special or local agents..... \$35,692 54

In 1874, notwithstanding the contract of indemnity or re-insurance for the same expenses the company reports \$44,366.91.

After the making of the contract no new policy of insurance was ever issued by the Guardian Company, or any of the companies re-insured by it, as appears from the books.

Another significant item in the expenditures of 1874 is the following:

Paid on any account not itemized above, viz.: Postage, advertising, printing and stationery, law, claims for bonus, etc., etc. \$37,719 82

Again in 1875 appears the following item:

Commission, office and law expenses..... 47,612 41

In the statement for the year 1874 is the following:

| | |
|--|-----------------------|
| Paid other companies for re-insured policies | \$3,232,809 28 |
| While for the year 1875 is the following, under the head of "expenditures" : | |
| Re-insurance | 668,650 14 |
| Making a total paid for re-insurance of | <u>\$3,901,459 42</u> |

PRESENT ASSETS.

The following statement shows the total assets now available, or which have come into the possession of the receiver, with estimated values in each and all of the companies, and which upon the hypothesis of this report belong to the Guardian Company, subject to the trusts created by law for the benefit of special policy-holders. When no value is carried ont, none exists, as far as appears at present, or the value is unknown to the receiver.

(A) Deposited with the Superintendent at Albany.

| COMPANIES. | Mortgages. | U. S. Stock. | N. Y. State Stock. | Total. |
|-------------------------|------------|--------------|--------------------|--------------------|
| New York State Life . . | \$100,000 | ..... | ..... | \$100,000,000 |
| Wid. & Orphans' Life. | 70,000 | \$30,000 | ..... | 100,000,000 |
| Reserve Mutual Life... | 27,000 | 70,000 | \$3,000 | 100,000,000 |
| Guardian Mutual Life. | 100,000 | ..... | ..... | <u>100,000,000</u> |

Widows' and Orphans' Life.

| | |
|---|--|
| * Virginia State bonds. Par value, \$30,000; present value | |
| Virginia State bonds. Office. Par value, \$4,500; present value | |

Reserve Mutual Life.

| | |
|---|------------|
| Land near Gloversville, Montgomery county. Purchased on foreclosure of a mortgage for \$8,000 by Jacob Decken. Estimated at | \$5,000 00 |
| Cash in Atlantic Bank. Failed. \$1,294.42, on which a dividend has been paid to receiver amounting to.. ... | 401 47 |
| Return commission. Fire insurance | 7 20 |

New York State Life.

| | |
|---|------------|
| Cash. For surrender values of policies in Connecticut General Insurance Company | \$1,301 00 |
|---|------------|

(A) The value of these securities deposited with the superintendent is unknown to the receiver, as he has made no investigation thereof as yet, under the opinion of Mr. Justice Landon.

*These bonds are held by the State of Virginia as a special fund for the benefit of the policy-holders in that State. Suits by attachment have been commenced in that State.

Furniture. One wardrobe and a few chairs—will hardly bring sufficient to pay storage.....

Guardian Mutual Life.

*Virginia State Bonds. Par values \$30,000 ; present values estimated

Call Loans. Atlantic National Bank.† \$50,000; E. M. Underhill, \$900.....

Real Estate. Ten and one-half acres of land in township of Palisades, Bergen county, New Jersey, valued at \$2,050. Twenty acres of land in Northfield, Richmond county, N. Y., valued§ at \$4,000. A parcel of land in Barrington, Bergen county, N. J., valued || at \$———

\$6,059 09

Cash. For premiums, interest, etc., received from the Companys

\$1,746 34

For agency account of premiums received prior to March 8.

1,607 36

For post-office order.....

10 38

For rental from sub-tenants

538 00

For interest on bond and mortgage deposited with superintendent.....

700 00

Total.....

\$3,662 08

Furniture—8 desks ; 1 safe, large ; 1 safe, small ; 4 tables ; 4 racks ; 4 chairs

Virginia State Bond.—Par value \$1,700 ; actual value..

Stock.—1,200 shares capital stock of New York State Life Insurance Company, 1,909 shares of the Widows and Orphans' Benefit Life Insurance Company, 3,991 of the Reserve Mutual Life Insurance Company.....

In addition to the above mentioned assets I find on the books of all the companies considerable amounts due on agents' balances, open accounts and bills receivable that are of trifling, if any value whatever. * * * *

There will doubtless be a loss upon the mortgage deposits of all the companies. Some particular instances have been brought to the attention of the receiver.

LIABILITIES.

Against these funds is to be charged the following: They are the only liabilities known to the receiver, with the exception of the expenses of the receivership which are not included in this report for obvious reasons, and with the exception of some general claims which require further investigation. The accounts are made up as of the 8th of March, 1877, the date of the dissolution of the companies.

*These bonds are held by the State of Virginia as a special fund for the benefit of the policy-holders in that State. Suits by attachment have been commenced in that State.

†This bank is in hands of receiver. A suit was brought to recover the loan. It was tried once, the jury disagreed. It is now on the calendar for retrial.

‡Purchased under foreclosure, prior to March 8, 1877.

§Purchased under foreclosure, prior to March 8, 1877.

||Purchased under foreclosure, prior to March 8, 1877.

Widows and Orphans'.

| | |
|---|--------------|
| This company had 392 policies in force, insuring..... | \$835,805 85 |
| This includes of reversionary additions..... | 19,490 85 |

| | |
|---|--------------|
| The total reserve value of these policies, upon the basis heretofore suggested, is..... | \$275,825 00 |
|---|--------------|

The known claims maturing prior to the 8th day of March, 1877, are:

| | |
|-----------------------|-----------|
| By death..... | 14,612 75 |
| Mutual endowment..... | 870 00 |

| | |
|-------------|--------------|
| Total | \$291,307 75 |
|-------------|--------------|

Reserve Mutual Life.

| | |
|--|--------------|
| This company had 137 policies in force insuring..... | \$180,692 00 |
| This includes of reversionary additions to policies | 1,019 00 |

| | |
|---|-------------|
| The total reserve values of these policies, calculated as aforesaid, is | \$58,045 00 |
|---|-------------|

| | |
|---|----------|
| The matured claims prior to March 8, 1877, are, by death..... | 1,000 00 |
|---|----------|

| | |
|------------|-------------|
| Total..... | \$59,045 00 |
|------------|-------------|

New York State Life.

| | |
|---|--------------|
| This company had 135 policies in force, insuring..... | \$171,622 00 |
|---|--------------|

| | |
|---|-------------|
| The total reserve values of these policies, calculated as aforesaid, is | \$38,556 00 |
|---|-------------|

| | |
|------------|-------------|
| Total..... | \$38,556 00 |
|------------|-------------|

Guardian Mutual Life.

| | |
|--|----------------|
| This company had 3,479 policies in force, insuring.. | \$3,833,146 00 |
| This includes, of reversionary additions to policies.. | 35,768 00 |

| | |
|--|----------------|
| The total reserve values of these policies, calculated as aforesaid, is..... | \$1,486,971 00 |
|--|----------------|

| | |
|--|------------|
| Against this reserve liability there is outstanding, for premium loans and accrued interest..... | 166,831 92 |
|--|------------|

| | |
|--------------|----------------|
| Balance..... | \$1,320,139 08 |
|--------------|----------------|

The matured claims prior to March 8, 1877, are:

| | |
|--|-----------|
| Death claims approved, not due and in process of adjustment..... | 34,750 31 |
|--|-----------|

| | |
|--|-----------|
| Death claims in dispute and in suit..... | 66,023 98 |
|--|-----------|

| | |
|---|-----------------------|
| Matured endowments | \$1,203 35 |
| Death claims filed after March 8, 1877, but death occurring prior to that date..... | 3,235 00 |
| Total..... | <u>\$1,425,551 00</u> |

Summary.

| | |
|--------------------------|-----------------------|
| Widows and Orphans'..... | \$291,307 75 |
| Reserve Mutual..... | 59,054 00 |
| New York State Life..... | 38,556 00 |
| Guardian Mutual..... | 1,425,551 72 |
| Grand total..... | <u>\$1,814,460 47</u> |

As to the manner of marshaling the assets between the policy-holders in the various companies so as to preserve the trusts created by statute, suggestions are respectfully submitted hereafter.

No account, of necessity, is here made of any assets involved in suits brought by the receiver.

THE OTHER COMPANIES.

It is, of course, a matter of interest to trace the history of the other companies not suggested in that part of the report embracing the Guardian Company. It is, besides, essential for the full understanding of the matters involved.

The New York State Life.

At the close of the year 1871, the officers of this company were as follows: President, D. A. Moore, M. D.; Vice-president, Theodore F. Andrews; Secretary, George J. Gardner; Consulting actuary, Sheppard Homans.

Its principal office was located in Syracuse, N. Y. * * *

By the records of the company, it appears that 900 of the 1,200 shares of the capital stock of the company were transferred on January 20, 1872, to Sheppard Homans, and by the 29th of April, 1872, the remaining 300 shares had all been transferred to Mr. Homans and his associates.

On April 30, 1872, D. A. Moore was re-elected president, Henry W. Bancroft, vice-president, and A. W. Dains, secretary.

The new management immediately negotiated with the Guardian Company for the complete reinsurance of the risks of the New York State Company. There is no evidence of any written contract having been entered into between these two companies. The resolutions of the board of directors of this company, however, as they appear by the minutes, will be furnished by the court.

The books show that a reinsurance account was opened on February 15, 1875. On December 31, 1872, the account is credited by "profit and loss, \$190,050." This is known to be the reserve by American Experience four and one-half per cent tables; on the policies in force January 1, 1872. There is also a credit of \$25,639.83

for renewal premiums collected by the New York State Company during 1872. These two amounts are fully offset by debts for sums paid in cash by the New York State Company either to, or on account of the Guardian Company.

In short, the intention of absolute reinsurance is evinced by the facts that the Guardian received the four and one-half per cent reserve as of January 1, 1872, has ever since, itself or through the Universal Life Insurance Company, collected and retained all renewal premiums, and paid all death claims against the New York State, down to March 8, 1877.

This statement may account, in some measure, for the fact that the account books of the New York State Company have had no entries made in them since the month of April, 1874. In that month Mr. Henry J. Furber was made vice-president and treasurer of the company, and from that date all money, on account of the company, appears to have been paid to him.

The mortgage records of the company show \$6,998.15 of interest to have been received by the Treasurer since April, 1874, from the securities deposited with the Superintendent. But this sum does not appear upon the ledger of the New York State Company, although I am informed that it was in part credited to the New York State upon the books of the Guardian Company.

Assets.—The account books of this company show no remaining assets of any value, except the securities deposited at Albany.

Expense and agency accounts show balances in favor of the company of \$34,434.30. Mr. R. Woodworth, of Syracuse, N. Y., has a number of judgments upon these balances in favor of the company. I am informed that there is no probability of any collections being effected.

The capital stock of this company is now in possession of the receiver. Par value, \$120,000.

Annual Statement.—The following from the annual statement of this company shows the condition of the company as of January 1, 1872:

| | | |
|---|----------------|--------------------|
| Policies in force, 2,291, insuring..... | \$3,536,063 00 | |
| Admitted assets..... | | \$282,412 44 |
| Liabilities (except stock)..... | | 193,836 00 |
| Surplus..... | | <u>\$89,576 44</u> |

Policy Obligations.—In determining the policy obligations of this company on March 8, 1877, great pains have been taken to secure a correct list. The late Secretary of the company, Mr. Dains, has personally traced out the history of every policy ever issued by the company, and in all but five cases the evidence of the payment or non-payment of premium has been complete. Investigations are now pending as to these five policies. They are, for the time being, included in the list of policies given heretofore.

There are now left 135 policies, insuring \$171,622, upon which the reserve is, as calculated, \$38,556.

The last regular policy issued by this company is dated January 8, 1872.

The Widows and Orphans' Benefit Life.

History.— This company was organized September 16, 1864. In November, 1871, the policy obligations of the company were reinsured in the Mutual Protection Life Assurance Society, afterward known as the Reserve Mutual Life Insurance Company.

The officers of the Widows and Orphans' Company at the time of this reinsurance contract were as follows: Fred. A. Freeman, President; Robt. A. Granniss, Secretary; S. E. Sproulle, President *pro tem*.

The subsequent changes in the official list show the following to have been officially connected with the company: July 18, 1872, J. G. Holbrook was elected Secretary, A. W. Gill, President, and Everett Clapp, President *pro tem*.

The contract between the company and that in which it was reinsured will be handed to the court. Attention will also be called to the action of such board, as then constituted, in reference to the subsequent reinsurance of the Reserve Mutual Company, in the Guardian Company. The date of the latter contract was June 17, 1872. It will be seen that only seven months elapsed between these two reinsurance contracts.

* * * January, 1871, the official annual statement of the company showed 4,537 policies in force insuring \$12,048,498.

| | |
|-----------------------------|----------------|
| The assets..... | \$1,599,068 71 |
| The policy liabilities..... | 1,467,975 65 |

On January 1, 1872, two months after the reinsurance, the official report showed 4,715 policies, insuring \$13,525,755 97.

| | |
|------------------------------------|--------------|
| The assets at this date..... | \$312,918 85 |
| The policy liabilities..... | 155,930 56 |
| The income for the year 1872..... | 729,322 00 |
| The disbursement for the year..... | 1,932,107 51 |

Which included an amount paid to Mutual Protection for reinsurance of \$1,434,053 62. This probably accounts for the reduced policy liabilities.

On February 1, 1873, the books of the company gave the following balance sheet.

| | |
|---|--------------------|
| Capital stock..... | \$200,000 00 |
| Cash..... | \$4,415 41 |
| U. S. 6 per cent bonds..... | 104,030 00 |
| Brooklyn public park loan..... | 25,120 00 |
| Wallabout Bay improvement bonds..... | 25,000 00 |
| 30,000 Virginia State stocks, cost..... | 15,075 00 |
| Profit and loss..... | 26,354 09 |
| | <hr/> \$200,000 00 |

This account practically represented the assets remaining to the company after full payment to the Mutual Protection Company for the reinsurance called for by the contract

In December, 1873, as appears from the annual report, the assets, including those deposited at Albany, amounted to \$185,150.

In December, 1874, no other assets than these on deposit are reported, to wit, \$105,000.

But the books show, in December, 1875, the company to be possessed of the following:

| | |
|--|--------------|
| Bonds and mortgages..... | \$115,000 00 |
| United States bonds..... | 30,000 00 |
| Virginia State bonds (cost value)..... | 15,075 00 |
| | <hr/> |
| | \$160,075 00 |
| | <hr/> |

These assets were transferred, by the books, to the Guardian Company, who had purchased the stock of the Widows and Orphans'. Subsequently the bulk of these over and above those deposited at Albany, are traced to the Universal Life Insurance Company, and, at that point, disappear from view, so far as the receiver is concerned.

Liabilities.

A carefully prepared schedule has been made of all policies in force on March 8, 1877, together with all reversionary additions, of which the following are the totals:

| | |
|---|--------------|
| Number of policies in force..... | 392 |
| Insuring | \$835,805 85 |
| (Which includes \$19,490.85, reversionary additions.) | |
| Reserve on premium-paying policies..... | 80,876 00 |
| Reserve on paid-up life policies and life reversions | 114,498 00 |
| Reserve on endowment policies and endowment additions | 80,451 00 |
| | <hr/> |
| Total reserve, calculated as before stated..... | \$275,825 00 |
| | <hr/> |

The reserve on premium-paying policies has been computed with the proper deductions for deferred and unpaid premiums.

There are no existing premium loans or notes against policies.

On the 8th of March, 1877, the matured and unpaid policy claims of the company amounted, so far as known, to \$15,482.75. Of this amount \$9,407.10 has been contested for various causes.

These liabilities make:

| | |
|------------------------------------|--------------|
| Policy reserve, March 8, 1877..... | \$275,825 00 |
| Total unpaid death claims | 15,482 75 |
| | <hr/> |
| Total..... | \$291,307 75 |
| | <hr/> |

The expenses of the receivership have not yet been added; as the work, as before suggested, is not yet completed.

RESERVE MUTUAL LIFE INSURANCE COMPANY.

History.

The Mutual Protection Life Assurance Society was organized July 21, 1868. In 1872, by special act of the Legislature, its corporate name was changed to that of Reserve Mutual Life Insurance Company.

The reinsurance of the Widows' and Orphans' Company by this company was approved by the board of directors on the 11th of November, 1871.

The officers of the company at this time were as follows : Andrew W. Morgan, President; S. Y. W. Sanford, Vice-President; Fred. A. Freeman, Secretary.

The subsequent changes in the official list were as follows : * *

The reinsurance contracts between this company and the Guardian have already been mentioned. The number and amount of policy obligations of the Reserve Mutual at the date of the reinsurance with the Guardian, and the amount of assets can only be approximately determined as follows :

| | |
|--|-----------------|
| January 1, 1872: | |
| Number of policies, 6,259 ; insuring.. | \$17,330,773 25 |
| Assets | \$2,064,848 69 |
| Policy liabilities | 1,752,284 79 |
| | <hr/> |
| Surplus..... | \$311,563 90 |
| | <hr/> |

In July 1, 1872, by a report of Mr. Sheppard Homans, the assets would appear to be as follows :

| | |
|-----------------|----------------|
| Assets | \$2,233,605 18 |
| Liabilities.... | 2,065,468 11 |
| | <hr/> |
| Surplus..... | \$168,137 07 |
| | <hr/> |

The annual statement of the company, as of December 31, 1873, shows that it had a reserve liability of \$175,300.60 for "all policies remaining uninsured in the Guardian." This being the amount covered by the fourth contract of February 8, 1874, shows that this contract concluded the reinsurance of the entire policy obligations of the Reserve Company.

By this process of reinsurance it is evident that gains from lapses and from margins, on premiums received, accrued to the Reserve Mutual Company. The last entry in the cash-book of this company was made in April, 1875, and in the journal in December, 1874.

There are no death claims against the company. The following is a list of the policy obligations of the company, which includes those issued under the corporate name of the Mutual Protection Life Assurance Society. The reserve is calculated upon the basis already alluded to :

| | No. of policies. | Amount of insurance. | Res've Mar. 8, 1877. |
|-------------------------|---------------------|-------------------------|-------------------------|
| Mutual Protection | 63 | \$98,157 00 | \$27,440 00 |
| Reserve Mutual | 74 | 81,935 00 | 30,605 00 |
| Totals | 137 | \$180,092 00 | \$58,045 00 |

This includes \$1,019 of reversionary additions of policies.

General Remarks

* * * As no investigation has been made on the subject by the receiver, it is impossible for him to determine or approximate the actual value of the securities remaining on deposit.

Marshaling Assets for Distribution.

The question naturally arises in considering the method of making distribution among the policy-holders, as to the proper manner of marshaling the assets of the various companies so as to carry out the trusts created by law, and at the same time do equal justice to each policy-holder. This, of necessity, involves the examination and consideration of the various contracts of re-insurance.

Under the general insurance act of the State, and its amendments, the securities required to be deposited by each insurance company before doing any business, are to be held by the Superintendent of the Insurance Department "as security for policy-holders in said company." This has been held to create a trust, under which the beneficiaries are the policy-holders, and that any surplus which should remain after satisfying the policy-holders would be applicable to the satisfaction of the general creditors of the corporation.

Having these rules in view it would seem to be clear that after paying the expenses of their own administration the proceeds of the deposit should be distributed among the valid claimants. That when the amount of these claims has been determined under the rules to be laid down by the court, if they exceed the amount realized from the deposit a *pro rata* distribution will be made.

But what shall be done with the surplus in the cases now under consideration, where the amount realized from the deposit exceeds the amount of the claims? Under the re-insurance contracts such surplus would appear to belong to the re-insuring company in the absence of general creditors outside the policy-holders. But the re-insuring company, having re-insured other companies, has two or more classes of policies upon which it is liable outside of the general creditors of the company. What shall be the order of distribution of this surplus?

These and the kindred questions arising out of the complication existing in these companies are submitted to the court for its determination. * * * Should it be determined by the court that the distribution of the proceeds of the deposit at Albany among the policy-holders by the Superintendent of the Insurance Department, then any surplus arising to any of the companies will, it is assumed, be delivered to the receiver for further distribution by him outside the beneficiaries for whom the deposit has been made.

In any event therefore it seems to be indispensable that the questions suggested under this head should be determined by the court.

As to the Expenses in General.

There now remain no funds belonging to the Guardian available for the expenses of the receivership. The cash received has been used in the payment of necessary expenses and disbursements. The receiver has thus far paid himself nothing on account of fees, preferring to be guided entirely in this matter by the court. The real estate should undoubtedly be sold, and the manner of such sale should be determined by the court.

CONCLUSION.

The receiver, therefore, respectfully submits this report, conscious that the field of investigation which at the outset he entered with much solicitude is an almost untrodden territory, and that in the mass of novel and complicated questions which have arisen it is not unlikely that he may have reached opinions and convictions, which upon more deliberation may appear to be unsound.

The direction and determination of the court is, therefore, respectfully requested upon the following propositions:

• *First.* Whether it does not now appear to be not only expedient but necessary for the receiver to take possession of the securities deposited with the Superintendent of the Insurance Department for the purpose of distribution and for the other purposes mentioned in the opinion of Mr. Justice Landon, hereto annexed, and the order thereon. If so, then,

1. How much additional security will be required, and in what form shall the bond be executed?

2. In what manner shall the securities be sold by the receiver? Upon what character of notice, whether at public or private sale, etc.

3. In case of mortgages necessary to be foreclosed, shall suit be brought in the name of the receiver alone or in the name of the Superintendent of the Insurance Department, or in the name of both?

4. In the case of real estate now on hand, in what manner shall the sale be had — by public or private sale, and upon what character of notice?

• *Second.* Whether the theory upon which the accounts between the various companies under the reinsuring contracts have been made is correct? If so,

1. Charging the Guardian Company with all the policy liabilities of all the companies, are any classes of them to be preferred in making distribution? If so, in what order?

2. Will the court direct how the surplus, if any, arising after the statutory trusts are performed shall be disposed of? In this determination the general creditors of the companies should not be excluded from view.

• *Third.* Whether the method of calculating and determining the claims of policy-holders is correct. If not, will the court indicate the proper method of arriving at these claims? Under this will naturally arise the following:

1. Is the date of the appointment of the receiver and the dissolution of the company the correct time for determining the status of a policy for the purpose of distribution?

2. Will there be any order of preference in the following claims: (a). Judgments against the company. (b). Death claims proved before dissolution. (c). Death claims where death occurred prior to dissolution, but proof of death afterward. (d). Ordinary policy claims in life at the time of dissolution. If so, in what order preferred?

Fourth. Whether any public notice should be given for the presentation of claims against the companies. If so, what shall be its character and scope?

1. In what manner shall notices be served, and for what length of time?

2. What shall be the character and extent of the proofs to sustain a policy claim?

3. What shall be the effect of a non-compliance with such notice?

Fifth. In case it should be held that the accounts in the report are in any manner erroneous, then what shall be done to correct such errors, or what methods shall be adopted in making up correct and legal accounts, whether between the several companies or otherwise?

All of which is respectfully submitted.

HENRY R. PIERSON,

Receiver, etc.

RECEIVER'S OFFICE,
NEW YORK, April 23, 1880. }

Hon. CHAS. S. BAKER,

Chairman Insurance Committee, Assembly Chamber, Albany :

SIR—I beg herewith to hand you my answer to your resolution, a copy of which I received on the 13th inst. and trust the same may be satisfactory.

Yours very respectfully,

H. R. PIERSON,

Receiver.

OFFICE OF THE RECEIVER OF THE SECURITY
LIFE INS. AND ANNUITY CO.,
NEW YORK, April 26, 1880. }

Hon. CHAS. S. BAKER, *Chairman :*

SIR—In response to your circular letter of the 5th inst., received on the 16th, I beg leave to report that this company was dissolved upon the application of the Attorney-General before Justice Brady of the Supreme Court in this city, and the undersigned was appointed receiver on the 14th day of December, 1876. An examination was then being made by Hon. John A. McCall, Jr., Deputy Superintendent of Insurance, and he reported as follows (there was no other appraisal):

Assets:

| | |
|---|--------------|
| Real estate over and above incumbrances..... | \$86,241 00 |
| Bonds and mortgages..... | 99,682 80 |
| \$30,000 U. S. currency, 6's..... | \$36,600 00 |
| \$72,000 U. S. 10-40, 5's..... | 81,000 00 |
| \$64,000 U. S. 5-20, 6's..... | 74,830 00 |
| Of which \$12,000 are deposited in Philadelphia and \$7,000 in Minerva, O., as security for the appeal by the company in two contested suits for death claims. | |
| \$28,750 South Carolina bonds | 14,520 00 |
| \$1,000 City of Bayonne bond | 1,000 00 |
| | <hr/> |
| | 207,950 00 |
| Premium notes and loans on policies in force..... | 1,441,412 03 |
| Cash in bank..... | 2,163 52 |
| Uncollected and deferred premiums | 138,510 00 |
| And for further particulars I respectfully refer you to said report as transmitted to the General Assembly by Hon. William Smyth, acting Superintendent in his report dated March 19, 1877. | |
| I received from the company in cash | 5,403 37 |
| Have collected: | |
| Premiums..... | 3,305 25 |
| Interest..... | 23,641 46 |
| Rent | 12,572 67 |
| Premium on gold | 542 06 |
| Bonds and mortgages..... | 23,000 00 |
| United States bonds..... | 136,608 12 |
| South Carolina bonds sold | 20,700 00 |
| City of Bayonne sold | 1,000 00 |
| Furniture sold..... | 301 90 |
| Judgment obtained against the Manhattan Life for a death loss reinsured | 3,304 74 |
| 31 and 33 Pine street sold | 125,000 00 |
| From stockholders dividends improperly paid them during the three years prior to the company's failure and interest | 23,069 18 |
| From other sources | 145 74 |
| | <hr/> |
| | \$378,594 49 |

| | |
|---|-------------|
| And I have disbursed: | |
| For secured judgments | \$18,049 24 |
| For taxes | 7,214 02 |
| For interest on mortgages..... | 7,881 00 |
| For repairs to real estate..... | 537 25 |
| For referee's fees..... | 1,000 00 |
| For other legal expenses | 8,901 43 |
| For salaries.. .. | 27,139 10 |
| For advertising insurance, printing, postage and other incidentals..... | 2,819 88 |
| For com. on sale real estate..... | 1,250 00 |

| | | |
|--|------------|--------------|
| For rent of office, etc | \$1,915 91 | |
| For mortgage on 31 and 33 Pine st .. | 102,625 00 | |
| | | <hr/> |
| | | \$179,332 83 |
| Leaving a balance of (part in cash and part temporarily invested in U. S. 4 per cent bonds | | 199,261 66 |
| I have in premium notes, loans and deferred premiums | | 1,429,265 42 |
| | | <hr/> |

And there is on deposit with the Insurance Department:

| | |
|---|-------------|
| \$30,000 U. S. currency, 6's | \$37,500 00 |
| \$70,000 in bonds and mortgages or the avails and proceeds thereof | 70,000 00 |

Under the order of the court I am entitled to a fee of five per cent upon receipts. There are three or four cases in the courts that have been argued and of which I expect an early decision. When I shall be able to close up the company's affairs I shall be happy to furnish you any further information that you may desire and remain

Very respectfully yours,

WM. H. WICKHAM,

Receiver.

CHAS. S. BAKER, Esq.,

Chairman Insurance Committee:

SIR — I was appointed July 31, 1877, receiver of the Atlantic Mutual Life Insurance Company by an order of the Supreme Court made at a Special Term held by Hon. T. R. Westbrook. I have not made a dividend. The moneys are deposited under the order of the court, in the Merchants National Bank of Albany. I have no interests allowed for the reason I invest in governments as rapidly as sufficient accumulates so to do, I have realized and invested in governments \$50,000 from the conversion of assets, I have been paid \$12,000 for services as receiver. The balance of your inquiries will be found in detail in my reports to department, copies of which I herewith attach.

Yours, etc.,

E. NEWCOMB,

Receiver Atlantic Mut. Life Ins. Co.

ATLANTIC MUTUAL LIFE INSURANCE COMPANY.

LOCATED IN ALBANY.

[Organized May 8, 1868.]

Statement of EDWARD NEWCOMB, Receiver, Albany, N. Y. Appointed July 31, 1877.

To the Insurance Department of the State of New York :

In making my annual report for the year 1878, I take the liability on the policies of said company as of the 31st day of July, 1877, for the reason that the order of the Supreme Court is dated that day appointing me receiver, and it is of that day all liabilities and out-

standing claims of said company are to be estimated in making the final dividend, as I have been advised by counsel, consequently no new valuation of policies has been made as of December 31, 1878. Since the date of the trust reposed in me by the order of the court, part of the former trustees have kept the affairs of the company in litigation, which has delayed any final action on my part in declaring the much-looked-for dividend to the policy-holders.

The following is my report for 1878 :

ASSETS.

Deposited in the Insurance Department :

| | Market Value. |
|--------------------------------|---------------|
| United States bonds..... | \$217,192 75 |
| Mortgages..... | 167,000 00 |
| Cash..... | 98,847 92 |
| Interest accrued on above..... | 10,383 30 |

In receiver's possession and control :

| | |
|--|--------------|
| Bonds and mortgages..... | 68,300 00 |
| United States bonds..... | 41,922 50 |
| City and county bonds..... | 123,900 00 |
| Real estate (less incumbrance, \$20,000)..... | 10,000 00 |
| Collateral loan secured by bank stock..... | 2,000 00 |
| Collateral securities (held on account of \$118,000 company's funds, "deposited" with James Hendrick, vice-president of the company), value estimated..... | 20,000 00 |
| Premium notes, loans and liens..... | \$164,760 91 |
| Uncollected premiums..... | 65,759 08 |

| | |
|---|--------------|
| Total..... | \$230,519 99 |
| Excess of above over liabilities on policies, | 9,840 37 |

| | |
|---|------------|
| Net loans and unpaid premiums..... | 220,679 62 |
| Furniture, fixtures and safes..... | 500 00 |
| Due and accrued rents..... | 325 00 |
| Cash on hand and in banks..... | 3,310 56 |
| Interest accrued on securities with receiver..... | 9,860 10 |

Deposited in Canada :

| | |
|-----------------------------------|-----------|
| Canada Dominion bonds.... | 80,292 60 |
| Interest thereon (estimated)..... | 8,430 70 |

| | |
|------------|-----------------------|
| Total..... | <u>\$1,082,945 05</u> |
|------------|-----------------------|

LIABILITIES.

| | |
|--|----------------|
| Reserve on outstanding policies, July 31, 1877..... | \$1,133,461 00 |
| Unpaid death claims and matured endowments, July 31, 1877..... | 36,689 42 |
| Check held against the company..... | 913 00 |

| | |
|---|-----------------------|
| Interest on above to December 31, 1878..... | \$90 51 |
| Interest accrued on mortgage on company's building, | 116 66 |
| Total liabilities..... | <u>\$1,171,270 59</u> |

RECAPITULATION.

| | |
|--|-------------------|
| Total assets (market value, December 31, 1878) | \$1,082,945 05 |
| Total liabilities except capital stock | 1,171,270 59 |
| Capital stock..... | 110,000 00 |
| Deficiency as regards policy-holders..... | 88,325 54 |
| Deficiency as regards stockholders..... | <u>198,325 54</u> |

Statement of income and expenditures of Receiver since date of his appointment :

INCOME, 1877.

| | |
|---------------------------------------|-------------------|
| Cash received when appointed | \$1,033 83 |
| Premium receipts..... | 2,269 84 |
| Rents and interest on securities..... | 5,150 50 |
| Mortgage No. 8 paid off. | 1,500 00 |
| Total..... | <u>\$9,954 17</u> |

DISBURSEMENTS, 1877.

| | |
|--|-------------------|
| Clerk hire..... | \$3,500 60 |
| Office expenses | 249 68 |
| Fire insurance on real estate and mortgages owned..... | 750 00 |
| Total disbursements..... | <u>4,500 28</u> |
| Balance on hand December 31, 1877..... | <u>\$5,453 89</u> |

RECEIPTS, 1878.

| | |
|--|--------------------|
| Premiums paid | \$1,598 27 |
| Interest on bonds and mortgages..... | 5,276 18 |
| Interest on stocks and bonds..... | 9,120 00 |
| Interest on T. C. Becker's note | 45 30 |
| Interest on Lemon Thomson's note | 682 75 |
| Rent from company's building..... | 1,662 50 |
| Mortgage No. 69 paid off | 12,000 00 |
| Mortgage No. 61 paid off | 2,000 00 |
| Mortgage No. 62 paid off | 2,000 00 |
| Mortgage No. 38 paid off | 6,000 00 |
| Lemon Thomson' note paid | 10,000 00 |
| Dividend on Aniline stock..... | 753 75 |
| Total receipts, 1878 | <u>\$51,138 84</u> |

DISBURSEMENTS, 1878.

| | |
|---|--------------------|
| Paid interest on mortgage on company's building | \$2,165 69 |
| Paid salaries | 5,825 00 |
| Paid attorney and counsel fees in Canada and United States, and receiver's expenses | 5,704 59 |
| Paid actuarial work | 3,200 00 |
| Paid street paving and repairs to building | 426 32 |
| Paid office expenses, postage and printing | 716 12 |
| Paid fire insurance | 644 00 |
| Paid death loss in Canada by order of court | 1,265 04 |
| Paid return premiums to policy-holders by order of court | 1,074 96 |
| Paid taxes on company's building | 1,438 95 |
| Paid Insurance Department for principal on mortgage collected by secretary of company illegally | 2,000 00 |
| Paid for United States bonds | 30,821 50 |
| Total disbursements | <u>\$55,282 17</u> |

REPORT OF ACTUARY CHARLES R. KNOWLES, AS MADE AND SUBMITTED TO THE SUPREME COURT, AND PASSED BY THE COURT OF APPEALS.

SUPREME COURT, STATE OF NEW YORK, }
Albany County.

In the matter of the Atlantic Mutual Life Insurance Company:

Pursuant to the requirements of section 8 of chapter 902 of the Laws of 1869, the undersigned, the actuary appointed by the receiver, with the approval of the Superintendent of the Insurance Department, submits herewith to the honorable the Supreme Court, a report upon the condition of the Atlantic Mutual Life Insurance Company.

GENERAL STATEMENT.

The whole number of policies represented on the books of the company as being in force on the 1st day of May last was 3,215. Of this number 949 are registered, and 2,266 are non-registered.

The amount of insurance in force under these policies, including reversionary additions (or dividend additions), was \$5,342,562, of which \$1,782,349 was covered by registered and \$3,560,213 by non-registered policies.

MATURED AND MATURING OBLIGATIONS.

The value of every policy in force on the 1st of May last has been computed by the actuary, or under his direction, with the exception of a few of the less usual forms of policies, which were valued in the Insurance Department, for which, as well as other courtesies, the actuary desires to express his acknowledgments.

The value (or reserve) on August first (the date at which the recei-

ver took possession of the books and accounts of the company) of all the policies and additions thereto was:

| | | |
|---|--------------|-----------------------|
| On registered policies..... | \$354,272 00 | |
| On additions to registered policies..... | 1,340 00 | |
| | | <hr/> |
| Total value registered policies..... | | \$355,612 00 |
| On non-registered policies | \$772,981 00 | |
| On additions to non-registered policies.. | 4,868 00 | |
| | | <hr/> |
| Total value non-registered policies..... | | 777,849 00 |
| | | <hr/> |
| Total reserve..... | | <u>\$1,133,461 00</u> |

In selecting the statement of the policy registers at date of May first as the proper data on which to compute the reserves, the actuary has endeavored to consider the rights and equity of all the policy-holders, inasmuch as that proceedings against the company were commenced by the attorney-general about that date, and it is evident that a very large proportion of the premiums that have matured and not been paid between that date and the date of the appointment of the receiver, have been withheld for the purpose of ascertaining the actual condition of the company, as shown by the result of the action at that time pending.

In order, however, to present to the court a concise statement of the actual condition of the company at date of August first, the actuary has deemed it advisable to subdivide the foregoing items as follows :

Policies on which premiums have been paid to August 1, 1877, will be designated as schedule A.

Policies on which premiums have become due between April 30 and August 1, 1877; and not paid, will be designated as schedule B.

Policies on which premiums became due prior to May 1, 1877, and were continued in force by accommodation notes or otherwise, will be designated as schedule C.

Policies continued in force in accordance with the provisions of the company, non-forfeiture sale, will be designated as schedule D.

Under this rule, if an ordinary life policy lapsed for non-payment of premium, after one or more full annual (all cash) premiums had been paid, and application for extension was made within a limited time, the company agreed to continue the insurance in force for the period which the equitable value of the policy at the time of the lapse would purchase.

The following exhibit shows the number of policies, amount of insurance, and reserve in each subdivision :

| | No. of policies. | Amount of insurance. | Totals. | Amount of reserve. | Totals. |
|-----------------------------|------------------|----------------------|-------------|--------------------|-------------|
| Schedule A, registered | 756 | \$1,412,925 | ..... | \$306,448 | ..... |
| Schedule A, non-registered. | 1, 917 | 2,845,955 | \$4,258,875 | 656,686 | \$963,129 |
| Schedule B, registered | 104 | 206,000 | ..... | 40,081 | ..... |
| Schedule B, non-registered. | 209 | 403,014 | 609,014 | 76,919 | 117,000 |
| Schedule C, registered | 76 | 122,400 | ..... | 6,204 | ..... |
| Schedule C, non-registered. | 128 | 267,089 | 889,489 | 39,075 | 45,279 |
| Schedule D, registered | 13 | 38,500 | ..... | 1,544 | ..... |
| Schedule D, non-registered. | 12 | 35,500 | 74,000 | 891 | 1,845 |
| Total registered..... | 949 | 1,779,825 | ..... | 454,272 | ..... |
| Total non-registered..... | 2, 266 | 8,551,558 | ..... | 772,981 | ..... |
| Grand total..... | 3, 215 | \$5,831,878 | \$5,831,878 | \$1,127,253 | \$1,127,253 |

The dividend additions to the above insurance are distributed as follows :

| | Amount of revenue. | Total. | Amount of reserve. | Total. |
|-----------------------------------|--------------------|----------|--------------------|---------|
| Schedule A, registered | \$2,434 | ..... | \$1,803 | ..... |
| Schedule A, non-registered | 7,828 | \$10,272 | 4,282 | \$5,585 |
| Schedule B, registered | 69 | ..... | 25 | ..... |
| Schedule B, non-registered | 707 | 776 | 504 | 529 |
| Schedule C, registered | 21 | ..... | 12 | ..... |
| Schedule C, non-registered | 115 | 186 | 82 | 94 |
| Total registered..... | 2,524 | ..... | 1,840 | ..... |
| Total non-registered. | 8,660 | ..... | 4,868 | ..... |
| Grand total..... | \$11,164 | \$11,184 | 6,208 | \$6,208 |

MATURED POLICY CLAIMS.

The endowment policies that had been matured and were awaiting payment at the time the receiver took possession, amounted to \$2,355. These were all non-registered policies, and with the death claim constituted an immediate liability.

The death claims were 22 in number, and aggregated an amount of \$37,667. As an offset, however, against this amount, there are in premium notes, accrued interest on notes, and deferred premiums \$3,432.58, which, deducted from the amount of the policies, leave the liability on account of death claims, \$34,334.42.

The total of matured policy claims was:

| | |
|--------------------------|-------------|
| Matured endowments | \$2,355 00 |
| Death claims..... | 34,334 42 |
| Total..... | \$36,689 42 |

MISCELLANEOUS LIABILITIES.

These, so far as the actuary has been able to ascertain, are composed of bills against the company for printing, advertising subscriptions, etc., amounting in the aggregate to.....

\$237 55

A check against the company.....

913 00

\$2,000 paid to reduce mortgage No. 38, on deposit in the insurance department, not applied.....

2,000 00

Accrued interest on mortgage on company building..

350 00

\$3,500 55

The above-mentioned check, dated July 16, 1877, was given by the company in payment of a loss to a party in a western State, was not presented for payment until after the appointment of the receiver, and is now awaiting an order from the court to allow its payment.

The only remaining liability that appears is the items of the expenses of the receivership, which it is impossible at this time even to approximately estimate.

SUMMARY OF LIABILITIES.

Present value of all policies and additions thereto.... \$1,133,461 00

Unpaid death claims and matured endowments..... 36,689 42

Miscellaneous liabilities 3,500 55

\$1,173,650 97

RESOURCES.

The first to be considered are the assets deposited in the insurance department for the protection of policy-holders, and on August 1st were as follows:

| | Par value. | Market value. |
|--|---------------------|---------------------|
| United States registered 5-20 gold bonds..... | \$65,000 00 | \$70,768 75 |
| United States currency 6 per cent bonds | 110,000 00 | 119,762 50 |
| Total | <u>\$175,000 00</u> | <u>\$190,531 25</u> |
| | | <u>\$190,531 25</u> |

MORTGAGES DEPOSITED IN THE INSURANCE DEPARTMENT.

No.

| | |
|---|------------|
| 2. 68 Hawk street, Albany, N. Y..... | \$4,000 00 |
| 3. 347 Hudson avenue, Albany, N. Y..... | 4,000 00 |
| 7. St. John's Episcopal Church, Cohoes, N. Y..... | 15,000 00 |
| 11. 61 Lancaster street, Albany, N. Y..... | 5,000 00 |
| 15. 1 Clinton avenue, Albany, N. Y | 2,500 00 |
| 16. 2 Clinton avenue, Albany, N. Y | 2,500 00 |

| No. | | |
|---|--|--------------|
| 17. | 3 Clinton avenue, Albany, N. Y | \$2,500 00 |
| 18. | 4 Clinton avenue, Albany, N. Y | 2,500 00 |
| 19. | 5 Clinton avenue, Albany, N. Y | 2,500 00 |
| 20. | 6 Clinton avenue, Albany, N. Y | 2,500 00 |
| 21. | 7 Clinton avenue, Albany, N. Y | 2,500 00 |
| 22. | 62 and 64 Park avenue, Albany, N. Y | 3,000 00 |
| 23. | 164 and 166 Central avenue, Albany, N. Y | 2,000 00 |
| 26. | 35, 37 and 39 Van Woert street, Albany, N. Y... | 4,000 00 |
| 27. | 168 Swan street, Albany, N. Y | 7,000 00 |
| 28. | Corner Fowler and White streets, Greenbush, N. Y. | 3,000 00 |
| 30. | 117 Grand street, Albany, N. Y | 2,000 00 |
| 32. | 4 acres land and building, Greenbush, N. Y..... | 6,000 00 |
| 34. | 95 Madison avenue, Albany, N. Y | 4,500 00 |
| 35. | 116 North Pearl street, Albany, N. Y | 5,000 00 |
| 37. | Hay market property, Philip street, Albany, N. Y. | 7,000 00 |
| 38. | 737 Broadway, Albany, N. Y | 8,000 00 |
| 39. | 65 Clinton avenue, Albany, N. Y | 10,000 00 |
| 40. | 68 Hudson avenue, Albany, N. Y | 8,000 00 |
| 41. | 9 Elk street, Albany, N. Y | 8,000 00 |
| 43. | 49 State street, Albany, N. Y | 25,000 00 |
| 44. | 114 East 62d street, New York city | 14,000 00 |
| 45. | Abbey Hotel property, Bethlehem, N. Y | 8,000 00 |
| 46. | Corner Broadway and Clinton ave., Albany, N. Y. | 14,500 00 |
| 47. | Cathedral school property, Albany, N. Y | 10,000 00 |
| 48. | Corner South Pearl and Neucella streets, Albany, N. Y | 4,000 00 |
| 49. | 15 Court street, Utica, N. Y | 6,000 00 |
| 52. | 146 South Pearl street, Albany, N. Y | 8,000 00 |
| 53. | 3 Hall place, Albany, N. Y | 4,000 00 |
| 55. | Corner Main and Union streets, Cobleskill, N. Y. | 12,000 00 |
| 56. | 89 Main street, Cableskill, N. Y | 4,000 00 |
| 57. | 105 State street, Albany, N. Y | 17,500 00 |
| Total value of mortgages in Insurance Department, | | \$251,000 00 |
| Market value of stocks | | 190,531 25 |

On June 14, 1877, as appears by an entry on the company's mortgage book, \$2,000 was paid to the company to reduce mortgage 38 on deposit in the Insurance Department, and the receipt of Walter Brown, secretary, given therefor. Having credited the company with the full face of the mortgage, I have charged miscellaneous liabilities with \$2,000 as an off-set.

| | |
|--|--------------|
| Total value of securities on deposit in the Insurance Department | \$441,531 25 |
|--|--------------|

| | |
|--|--------------|
| For the protection of registered policies only (special deposit) | \$332,656 25 |
| For the protection of all policy-holders (general deposit) | 108 875 00 |

The other assets are as follows :

Mortgage with bond accompanying on "Dwight" property, Binghamton, N. Y., in the hands of the Attorney-General of the State of New York for foreclosure.

| | |
|-------------------------------------|-------------|
| Amount loaned..... | \$50,000 00 |
| Interest due and accrued..... | 4,083 33 |
| Amount paid for fire insurance..... | 757 50 |
| | <hr/> |
| | \$54,840 83 |
| | <hr/> |
| Value..... | \$40,000 00 |
| | <hr/> |

Market value.

| | |
|--|-------------|
| Certificate No. 143, for \$20,000 (gold), deposited with Receiver-General at Ottawa, Ont., and invested in "Canada Dominion stock" under certificate No. 0634 for \$20,000, dated January 1, 1871, and signed "T. D. Harrington," Deputy Receiver-General; par value in gold, \$20,000 | \$21,075 00 |
| Certificate No. 157, for \$292.60 (gold), deposited with Receiver-General at Ottawa, Ont., and invested in "Canada Dominion stock" under certificate No. 0647 for \$202.61, dated March 31, 1871, and signed "T. D. Harrington," Deputy Receiver-General; par value in gold, \$292.60 | 308 33 |
| Certificate No. 159, for \$60,000 (gold), deposited with Receiver-General at Ottawa, Ont., and invested in "Canada Dominion stock" under certificate No. 0650, for \$60,000, dated April 11, 1871, and signed "T. D. Harrington," Deputy Receiver-General; par value in gold, \$60,000 | 63,225 00 |
| United States 5-20 gold bonds with coupons of and from January 1, 1878, attached, \$20,000..... | 21,775 00 |
| Schenectady City bonds with coupons of and from January 1, 1878, attached, \$10,000 | 10,500 00 |
| Buffalo City Park bonds with coupons of and from January 1, 1878, attached, \$25,000..... | 26,750 00 |
| Buffalo City bonds with coupons of and from September 1, 1877, attached, \$25,000..... | 26,750 00 |
| Erie City and County Hall bonds, with coupons of and from January 1, 1878, attached, \$5,000..... | 5,350 00 |
| Albany County War Loan bonds with coupons of and from September 1, 1877, attached, \$25,000..... | 26,750 00 |
| Saratoga Town bonds with coupons of and from September 1, 1875, attached..... | 18,000 00 |

Cash call loans, secured by the following collaterals:

| | |
|---|-----------|
| One hundred shares of stock, First National Bank of Albany, N. Y., amount loaned..... | 10,000 00 |
| Twenty shares of stock, First National Bank, New Bedford, Mass., amount loaned..... | 2,000 00 |

Deed of James Hendrick and Anna Hendrick, his wife, to the Atlantic Mutual Life Insurance company, dated February 21, 1876, and conveying to the said company the real estate on the corner of State and James streets, Albany, N. Y., being Nos. 65 and 67 State street, and known as the Hope Bank building; the amount paid for said property being \$50,000, less a mortgage incumbrance of \$20,000, as per company's cash check given for \$30,000, dated February 21, 1876, and drawn on the Hope Banking Company with condition thereon..... \$30,000 00

* [The condition alluded to was the right reserved by Mr. Hendrick to redeem or reclaim the property at any time within ten (10) years, by refunding the purchase-money and reassuming the mortgage. It is only fair to say that Mr. Hendrick, when spoken to by the actuary, at once expressed his willingness to give a quit-claim deed of the premises, and has since done so.]

Twenty (20) shares stock Atlantic Mutual Life Insurance Company, under certificate No. 26.....
Cash on hand and in bank 1,168 15
Receipt from National Commercial Bank of Albany, N. Y., for \$2,000, to credit of Company on account of United States 5-20 bonds, 1867, bought for Atlantic Mutual Life Insurance Company
Balance due the Company on above amount, as per statement from the bank..... 733 00

MORTGAGES IN THE HANDS OF THE RECEIVER.

| No. | | |
|-----|---|------------|
| 1. | Lots 28 and 37, inclusive, Utica, N. Y..... | \$1,300 00 |
| 5. | 25 Alexander and 39 and 41 Clinton streets, Albany, N. Y | 1,000 00. |
| 6. | 29 Bedford avenue, Brooklyn, N. Y | 2,500 00 |
| 8. | 98 Swan street, Buffalo, N. Y..... | 1,500 00 |
| 3. | 15 Catharine street, Albany, N. Y..... | 1,000 00 |
| 4. | 34 Swan street, Albany, N. Y..... | 1,500 00 |
| 9. | 587 acres farm property, Ellicottville, N. Y..... | 5,000 00 |
| 31. | 19 Darling street, Brantford, Ont..... | 1,500 00 |
| 36. | Improved farm property, Coeymans, N. Y | 8,000 00 |
| 51. | 418 Madison avenue, Albany, N. Y | 3,000 00 |
| 54. | Corner Whitesboro and Schuyler streets, Utica, N. Y. | 1,500 00 |
| 58. | 863-5 -54 Broadway, Albany, N. Y..... | 8,000 00 |
| 60. | Improved farm property and buildings thereon, West Seneca, N. Y | 2,000 00 |
| 61. | Corner Orange and Chapel streets, Albany, N. Y.. | 2,000 00 |
| 62. | 85 Ten Broeck street, Albany, N. Y..... | 2,000 00 |
| 63. | 100 acres improved farm property and buildings, Castleton, N. Y..... | 25,000 00 |
| 64. | 108 Green street, Albany, N. Y..... | 3,000 00 |
| 65. | 179 Hamilton street, Albany, N. Y..... | 3,500 00 |
| 66. | 56 Division street, Albany, N. Y..... | 1,500 00 |

| | |
|---|-------------|
| 67. Bethel Jewish Synagogue, Fulton street, Albany, N. Y..... | \$1,600 00 |
| 68. Greenbush Heights, East Greenbush, N. Y..... | 3,000 00 |
| 69. 15 and 17 North Pearl street, Albany, N. Y..... | 12,000 00 |
| | <hr/> |
| | \$91,400 00 |

Securities held by the company as collateral to their deposit of \$118,000 in the Hope Banking Company of Albany, N. Y.:

| | |
|---|-------------|
| One certificate. No, 3, for 201 shares of capital stock of Albany Aniline and Chemical Works (par value \$25 per share), par value, \$5,025 | \$10,050 00 |
| Nine certificates, Nos. 2, 52, 55, 57, 63, 64, 74, 77 and 78, for 344 shares of stock of the Atlantic Mutual Life Insurance Company of Albany, N. Y. (par value \$50 per share), par value \$17,200..... | |
| One receipt of "Charles Merriam, agent for the Committee," for 22 mortgage bonds of \$1,000 each of the Detroit, Lansing and Lake Michigan Railroad Company, as follows: seven first mortgage bonds, due April 1, 1896, with coupons of and from April 1, 1874, attached..... | 2,450 00 |
| Six first mortgage bonds, due December 1, 1897, with coupons of and from June 1, 1874, attached..... | 2,100 00 |
| Nine second mortgage bonds, with coupons of and from February 1, 1874, attached. Par value, \$22,000..... | |
| Sixteen mortgage bonds of \$1,000 each, as follows: Nos. 3,948 to 3,950, both inclusive, with coupons of and from January 1, 1876, attached, and Nos. 6,064 to 6,076, both inclusive, with coupons of and from March 1, 1876, attached of the Chicago and Michigan Lake Shore Railroad Company. Par value, \$16,000. | |
| Two receipts of "Charles Merriam, agent of the Committee or Trustees" for 22 mortgage bonds of \$1,000 each, of the Kansas City, St. Joseph and Council Bluffs Railroad Company, and for 150 shares capital stock of the Kansas City, St. Joseph and Council Bluffs Railroad Company, as follows: Nos. 6,857 to 6,865, both inclusive; Nos. 119 to 128, both inclusive; Nos. 503 to 505, both inclusive, and No. 2 for 100 shares of stock, and No. 204 for 50 shares. Total par value, \$37,000..... | |
| Twenty first mortgage bonds of \$1,000 each, with coupons of and from January 1, 1876, attached, being Nos. 2,866 to 2,875, both inclusive, and Nos. 4,017 to 4,026, both inclusive, of the Missouri River, Fort Scott and Gulf Railroad Company. Par value, \$20,000..... | 13,800 00 |
| Five mortgage bonds of 1,000 each, Nos. 3,063 to 3,967, both inclusive, with coupons of and from June 1, 1875, attached, of Chicago, Dubuque and Minnesota Railroad Company. Par value, \$5,000.... | 1,250 00 |

I have been unable to obtain any reliable quotations of the value of the above collaterals, except in the cases where market value has been carried out. I have extended my inquiries in all directions where it appeared at all probable authentic information could be secured. But so conflicting and unreliable have been the estimates, that I have been obliged to discard them as worthless for the purposes of my valuation. In fact, I may say, all estimates have been based upon future contingencies, which makes the present market value largely if not wholly problematical.

I may add in this connection that the most full and complete valuation of these collaterals was that of the president of the company, Hon. Robert H. Pruyn, in his sworn testimony in the case Attorney-General against the Atlantic Mutual Life Insurance company (pp. 148, 149.) He then estimated the value to be \$61,600. It is safe to assume that these stocks are no less valuable now than if, therefore, the estimates of values as then given by Mr. Pruyn represented the market value, it would be quite proper to so estimate them at this time.

I have not done it for the reasons stated above, and in referring the valuation of President Pruyn, I do it for the purpose of showing that there is a prospective or problematical value to these securities which I have not felt warranted in extending as the present value.

| | |
|--|----|
| The furniture, safes, fixtures, books, etc., in company's office, estimated value..... | 4 |
| Rents due and deferred on parts of the company's building | 1 |
| Personal notes and agents' accounts as follows : | |
| Personal note of W. Ambridge, dated August 16, 1869. | |
| Personal note of W. Ambridge, dated August 16, 1869. | |
| Personal note of W. Ambridge, dated August 16, 1869. | |
| Personal note of W. Ambridge, dated August 16, 1869. | |
| Personal note of W. Ambridge, dated August 16, 1869. | |
| Personal note of Joseph Howson, dated February 17, 1873..... | |
| Personal note of Joseph Howson, dated March 26, 1873. | |
| Personal note W. S. Millsparugh, dated June 22, 1874. | 8, |
| Personal note of W. D. Huntly, dated February 24, 1874..... | 10 |
| Personal note of W. D. Huntly, dated February 28, 1874..... | |
| Personal note of S. B. Thayer, dated June 10, 1874.. | |
| Personal note of R. J. Ruth, dated July 13, 1875..... | |
| Personal note of S. B. Thayer, dated December 10, 1873..... | |
| Personal note of R. J. Ruth, dated July 13, 1875..... | |
| Personal note of George Ringland, dated November 1, 1875..... | |
| Personal note of George Ringland, dated November 1, 1875 | |
| Personal note of George Ringland, dated November 1, 1875..... | |
| Personal note of L. V. Beebe, dated August 1, 1876.. | |

ACCOUNTS.

| | |
|--|------------|
| Joseph Mainzer, account to June, 1869..... | \$1,306 50 |
| O. N. McOlintock, account to April, 1874..... | 1,050 31 |
| James E. Saltzer, account to May, 1871..... | 6,735 88 |
| James E. Saltzer, account to October, 1871..... | 348 77 |
| L. V. Beebe, account to August, 1876..... | 900 00 |
| O. M. Beach, account to October 1873..... | 3,670 49 |
| Walton & Oliver, account to June, 1871..... | 470 88 |
| Joseph Howson, M. D., account to July, 1873..... | 5,400 66 |
| Joseph Howson, M. D., account to July, 1873..... | 5,693 37 |
| G. D. Reebe, account to September, 1869..... | 834 49 |
| J. C. Lambrite, account to December, 1873..... | 4,555 68 |

| | |
|--|--------------------|
| Total personal notes and accounts..... | <u>\$53,794 17</u> |
|--|--------------------|

Premium notes, and loan notes or liens drawing interest on policies in force on

| | |
|-----------------|--------------|
| Schedule A..... | \$138,321 91 |
| Schedule B..... | 21,133 00 |
| Schedule C..... | 5,306 00 |

| | |
|-------------|---------------------|
| Total | <u>\$164,760 91</u> |
|-------------|---------------------|

Of this amount, \$2,640.03 are accommodation notes on policies on Schedule A, and are divided as follows:

| | |
|---------------------------------|----------|
| On registered policies..... | \$853 50 |
| On non-registered policies..... | 1,786 53 |

The uncollected and deferred premiums on policies in force are:

On Schedule A:

| | |
|-------------------------------|-------------|
| Registered policies..... | \$14,855 20 |
| Non-registered policies | 20,923 15 |

On Schedule B:

| | |
|-------------------------------|-----------|
| Registered policies | 7,053 58 |
| Non-registered policies | 13,578 99 |

On Schedule C:

| | |
|-------------------------------|----------|
| Registered policies | 2,812 79 |
| Non-registered policies | 5,935 37 |

| | |
|---|-------------|
| Total amount on registered policies | \$25,321 57 |
| Total amount on non-registered policies | 40,437 51 |

| | |
|------------------------------------|--------------------|
| Total amount on all policies | <u>\$65,759 08</u> |
|------------------------------------|--------------------|

These uncollected and deferred premiums, as well as the premium notes and loans, are an asset only in so far as they are an offset to the reserve charged against the policies on which the above items are credited, and, as in some instances the credits aggregate an amount greater than the Company's liability on same policies, a deduction must be made for the excess of credits.

These are all on policies on Schedule "A," and are divided as follows :

| | Premium notes and loans. | Uncollected premiums. | Deferred premiums. | Reserve. |
|--|-----------------------------|--------------------------|-----------------------|-------------|
| Registered policies..... | | \$419 51 | \$38 33 | \$341 00 |
| Non-registered policies. | \$15,483 18 | 4,698 53 | 81 82 | 10,540 00 |
| Totals..... | \$15,483 18 | \$5,118 04 | \$120 15 | \$10,881 00 |
| The total of the about credits..... | | | | \$20,721 37 |
| The total reserves charged against the same policies is.. | | | | 10,881 00 |
| Leaving an excess of credits which is worthless as an asset of..... | | | | \$9,840 37 |

A careful computation of interest (due and accrued) has been made on all the interest-bearing assets, and amounts to \$18,012.34.

The premium on gold amounts to \$219.34.

It is claimed that the payment of a dividend to stockholders in January, 1877, of seven per cent in gold, being \$8,050 currency, was never authorized by the directors, in which case it was wholly illegal. Assuming this to be the case, the actuary deems it his duty to return it as an asset, with the simple suggestion, that to recover a dividend paid may involve some expense and loss to the company.

Amount of dividend is claimed to be illegally paid ... \$8,050 00

A recapitulation of all the foregoing items is as follows:

ASSETS.

| | |
|--|--------------|
| Real estate over incumbrances of \$20,000 | \$30,000 00 |
| Bonds and mortgages | 382,400 00 |
| Collateral loans..... | 12,000 00 |
| Bonds and stock at market value | 411,014 58 |
| Collaterals on deposit of \$118,000 in Hope Banking Company (par value, \$122,225), market value..... | 29,650 00 |
| Cash on hand and deposited in banks | 1,168 15 |
| Premium notes and loans..... | \$164,760 91 |
| Uncollected and deferred premiums | 65,759 08 |
| Total..... | \$230,519 99 |
| Excess of above items over reserve on same policies | 9,840 37 |
| | 226,679 62 |

| | |
|---|-----------------------|
| Interest due and accrued on all securities | \$18,012 34 |
| Premium on gold | 219 34 |
| Furniture, fixtures, books, etc. | 995 50 |
| Rents due and accrued on parts of Company's building, | 1,434 37 |
| Claims for dividends illegally paid | 8,050 00 |
| Balance due from National Commercial Bank..... | 733 00 |
| Total..... | \$1,116,356 90 |

LIABILITIES.

| | |
|---|-----------------------|
| Net reinsurance reserve | \$1,133,461 00 |
| Unpaid death claims and matured endowments..... | 36,689 42 |
| Miscellaneous liabilities | 3,500 55 |
| Total..... | \$1,173,650 97 |
| Total assets | 1,116,356 90 |
| Deficiency as regards policy-holders | \$57,294 07 |
| Capital stock..... | 110,000 00 |
| Deficiency as regards stockholders..... | \$167,294 07 |

All of which is respectfully submitted.

CHARLES R. KNOWLES,
Actuary of Atlantic Mutual Life Insurance Company,

STATE OF NEW YORK, CITY AND COUNTY OF ALBANY, ss.:

Charles B. Knowles, being duly sworn, deposes and says, that he is actuary of the Atlantic Mutual Life Insurance Company, appointed by the receiver, Edward Newcomb, and approved by the Superintendent of the Insurance Department; that he has made a careful investigation, according to the standard fixed by the laws of this State, into the condition of said company, and that the facts found and conclusions reached by him upon the said investigation are fully and truthfully set forth in the foregoing report; and further deponent saith not.

CHARLES R. KNOWLES.

Sworn to before me this 21st day of January, 1878.

M. NUSSBAUM,
Com: of Deeds, Albany city.

The following order has been issued by Messrs. Justices LEARNED, BOARDMAN and BOCKES:

At the General Term of the Supreme Court of the State of New York, held at the City Hall in the city of Albany, on the 17th day of February, 1879.

Present — Justices LEARNED, BOARDMAN and BOCKES.

Memorandum by presiding Justice LEARNED.

SUPREME COURT.

In the Matter of the Atlantic Mutual
Life Insurance Company of Albany,
N. Y.

LEARNED, J., *Per Curiam*. Assuming, without deciding, that the court had power to grant the relief which was asked, we think its refusal was eminently proper. It is enough to state our reasons very briefly.

1. The petition itself does not show facts to sustain the petitioner's view. The receiver's report itself is based partly on estimated values. The additional matters stated by the petitioner to show the present condition of the property are partly conjectural. No account is made of the increased liability, which arises from the fact that the lapse of a year has brought the time for the payment of all the policies so much nearer.

2. It does not appear that the application presented the wishes of the policy-holders. The contrary would seem to be the truth, from the fact that the company is unwilling that those policy-holders who desire to do so should receive the values of the policies in cash.

3. The past management of the company shows it to be unfit to control the property. The directors loaned money to the vice-president on his individual security, by keeping a deposit in his individual bank. The balance on such loan was about \$118,000, and the debt remained unsecured to the extent of about \$96,000 when the company passed into the receiver's hands. The company was offered the opportunity, before the receiver was appointed, of continuing in business on paying in \$50,000.

They promised to do this and utterly failed. After the appointment of the receiver they attempted to put the company into bankruptcy. Being defeated in this, they have caused all possible delay to the affairs by appealing from every order that has been granted.

It is suggested in reply to this, that the policy-holders have votes and can control matters. So they had votes during the former management, but that was no protection to them. Practically, as every one knows, the policy-holders are too numerous and too widely scattered to exercise any control over the management. Their votes are principally useful to those who are already in possession of the offices of the company, and who can generally obtain proxies enough to keep themselves in power. As for the policy-holders, it is a matter out of the question.

4. The company has been now for some time in the hands of a receiver. Its credit is gone; very few policy-holders would desire now to pay up the premiums accumulated since the failure of the company. Often they might be unable to do so. To compel them to do this, at the hazard of losing their policies, would be unjust. The best thing for the policy-holders now is to have the assets distributed among them as soon as possible. If they are not satisfied with their experience of life insurance companies they can use their shares of the assets in procuring other insurances. They ought not to be compelled to pay in any more money to this company. The sooner the assets are divided

among them the better. The less that is wasted in litigation the more they will receive.

The order should be affirmed, with \$10 costs and printing disbursements, to be paid to the receiver by the people and those policy-holders who appealed.

To the Insurance Department of the State of New York :

In making my annual report for the year 1879 I take the liability on the policies of said company as of the 31st day of July, 1877, for the reason that the order of the Supreme Court is dated that day, appointing me receiver; and it is of that day all liabilities and outstanding claims of said company are to be estimated in making the final dividend, except death claims, as I have been advised by counsel, consequently no new valuation of policies has been made as of December 31, 1879. Since the date of the trust reposed in me by the order of the court, part of the former trustees have kept the affairs of the company in litigation, which has delayed any final action on my part in declaring the much looked for dividend to the policy-holders, and not until June 2, 1879, was the referee appointed to compute the amount due each policy-holder, and to fix amount of dividends.

The following is my report for 1879:

ASSETS.

Deposited in the Insurance Department.

| | |
|--|--------------|
| United States bonds* (estimated value) | \$205,327 50 |
| Mortgages* | 92,500 00 |
| Cash* | 185,776 18 |
| Interest accrued on above..... | 9,532 85 |
| | <hr/> |
| | \$493,136 53 |

In Receiver's Possession and Control.

| | |
|--|--------------|
| Bonds and mortgages (present estimated value)..... | 61,800 00 |
| United States bonds (present estimated value)..... | 32,500 00 |
| City and county bonds (present estimated value)..... | 125,450 00 |
| Real estate (less incumbrance, \$20,000) | 10,000 00 |
| Loan secured by collaterals..... | 2,800 00 |
| Collateral securities (held as security on \$118,000 company's funds "deposited" with Hope bank) value estimated | 20,000 00 |
| Premium notes, loans and liens..... | \$164,760 91 |
| Uncollected premiums..... | 65,759 08 |
| | <hr/> |
| Total..... | \$230,519 99 |
| Excess of above over liabilities on policies | 9,840 37 |
| | <hr/> |
| Net loans and unpaid premiums | 220,679 62 |
| Furniture, fixtures and safes..... | 500 00 |
| Due and accrued rents..... | 191 66 |

* These are from statements made by Insurance Department to receiver.

| | |
|---|------------|
| Cash in bank..... | \$2,146 40 |
| Interest accrued on securities with receiver..... | 15,545 39 |

Deposited in Canada.

| | |
|--------------------------------|-----------|
| Canada Dominion bonds*..... | 80,292 60 |
| Interest accrued thereon*..... | 12,043 90 |

| | |
|------------|-----------------------|
| Total..... | <u>\$1,097,086 70</u> |
|------------|-----------------------|

LIABILITIES.

| | |
|---|----------------|
| Reserve on outstanding policies July 31, 1877 | \$1,133,461 00 |
| Unpaid death claims and matured endow- ments to December 31, 1879..... | \$316,534 00 |
| Less reserve included in first item..... | 157,906 00 |

\$158,628 00

| | |
|---|----------|
| Less amount of premiums due an ma- tured endowments..... | 8,081 32 |
|---|----------|

150,546 68

| | |
|---|--------|
| Check held against the company..... | 913 00 |
| Interest on above to December 31, 1879..... | 154 47 |
| Interest accrued on mortgage on company's building. | 116 66 |

| | |
|-------------------------|-----------------------|
| Total liabilities | <u>\$1,285,191 81</u> |
|-------------------------|-----------------------|

RECAPITULATION.

| | |
|---|---------------------|
| Total liabilities, December 31, 1879..... | \$1,285,191 81 |
| Total assets, December 31, 1879..... | <u>1,097,086 70</u> |

RECEIPTS FOR THE YEAR 1879.

| | |
|---|------------|
| Cash in bank, January 1, 1879..... | \$2,277 09 |
| Received interest on bonds and mortgages..... | 2,991 85 |
| Received interest on stocks and bonds | 10,440 00 |
| Received rent from company's real estate..... | 1,250 75 |
| Rec'd principal of bond and mortgage No. 66, paid off | 1,500 00 |
| Rec'd principal of bond and mortgage No. 54, paid off | 1,500 00 |
| Rec'd principal of bond and mortgage No. 65, paid off | 3,500 00 |
| Received dividend on railroad bonds.. .. | 3,335 00 |
| Received dividend on aniline stock | 753 75 |
| Received in consideration of quit-claim on Park ave- nue property..... | 368 83 |
| Received taxes returned on " Bath property "..... | 26 00 |
| Received balance from National Commercial bank.... | 1,033 83 |
| Received for sale of United States five-twenty bonds. | 41,571 53 |

| | |
|-------------|--------------------|
| Total | <u>\$70,548 63</u> |
|-------------|--------------------|

* This from statement made by Superintendent of Insurance at Ottawa, Canada.

DISBURSEMENTS.

| | |
|--|--------------------|
| Paid interest on mortgage on company's building..... | \$1,400 00 |
| Paid salaries..... | 5,825 40 |
| Paid attorney, counsel fees and legal expenses | 3,520 05 |
| Paid receiver, on account of commissions..... | 4,000 00 |
| Paid repairs on company's real estate..... | 59 93 |
| Paid taxes on company's building, No. 67 State street, for 1879..... | 680 52 |
| Paid taxes in arrears on "Ayers' Hall" property, Bath, N. Y..... | 192 78 |
| Paid taxes in arrears on Park avenue property, Albany, N. Y..... | 503 13 |
| Paid fire insurance on company's property..... | 264 00 |
| Paid office expenses, postage and printing..... | 196 84 |
| Paid for publishing referee's notice in New York papers | 174 80 |
| Paid return premiums, by order of the court..... | 159 43 |
| Paid Mr. Barnes, by order of Court of Appeals, for legal expenses in Court of Appeals..... | 580 60 |
| Paid Clerk of Court of Appeals for copies of opinion, Attorney-General vs. Atlantic Mutual Life Ins. Co.... | 12 00 |
| Paid loan secured by collaterals..... | 800 00 |
| Paid for United States four per cent bonds..... | 50,032 75 |
| Cash in bank, December 31, 1879..... | 2,146 40 |
| Total..... | <u>\$70,548 63</u> |

This statement does not include an item of \$12,541.66, accrued interest on the "Dwight property," Binghamton, N. Y., nor an item of \$3,085.23, accrued interest on the J. C. D. Brown property in New York city, which property has since been sold at a loss of \$6,237.83.

STATE OF NEW YORK, }
Albany City and County, } ss.

Edward Newcomb, being duly sworn, says he is the receiver of the Atlantic Mutual Life Insurance Company; that the foregoing statement of the condition of said company on the 31st of December, 1879, is in all respects correct and true, to the best of deponent's knowledge.

(Signed) E. NEWCOMB.

Sworn to before me, this }
6th day of February, 1880. }

(Signed) LEWIS B. HALL, *Notary Public*.

NEW YORK, April 30, 1880.

Hon. CHAS. S. BAKER, *Assembly Chamber, Albany*:

SIR—In compliance with your request I send you the inclosed report.

Very respectfully,

WM. K. LOTHROP, *Receiver*.

(12)

WM. K. LOTHROP, RECEIVER WASHINGTON INSURANCE CO
NEW YORK.

Appointed August 30, by Judge Geo. C. Barrett, in place
C. Satterlee, receiver, deceased.

The remainder of the estate was then estimated at \$97,777.1
items that were considered of value then were eventually of n

| | |
|-------------------------------|------|
| There has been collected..... | \$60 |
| There has been paid out..... | 60 |

On hand in New York Life Insurance and Trust Co....

| | |
|--|-------|
| Paid dividends to policy-holders on loans..... | \$24 |
| Paid per order of the court, to perfect title..... | . |
| Paid Superintendent Insurance Department, for filing statements | |
| Paid H. Odell, referee, per order of the court.... | 2 |
| Paid L. O. Spencer, referee, per order of the court..... | |
| Paid Man & Parsons, counsel, per order of the court... | 7 |
| Paid Carter & Russell, counsel, per order of the court.. | 2 |
| Paid G. B. Satterlee, executor, per order of the court... | 5 |
| Paid W. G. Lathrop, counsel, per order of the court.... | |
| Paid self, as receiver, per order of the court..... | 2 |
| Paid return premiums on canceled policies..... | |
| Paid stationery, office rent, clerk hire, etc..... | 13 |
| | <hr/> |
| | \$60 |

E. & O. E. April 30, 1880.

WM. K. LOTHROP
Rec

[Assem. Doc. No. 134.] 51

STATE OF NEW YORK.

No. 135.

IN ASSEMBLY,

MAY 6, 1880.

BILLS

REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and Clerk, with the consent of the House, refer the following bills to the sub-committee of the whole :

No. 656, G. O. 769 — Mr. Bridges :

An act to amend chapter 431 of the Laws of 1879, entitled "An act requiring the commissioners of the town of Unadilla, in the county of Otsego, to pay over the surplus moneys or securities in their hands to the county treasurer to be used for the payment of taxes against said town."

No. 714, G. O. 850 — Mr. Hagan :

An act for the better security of the public health and the prevention of nuisances in the county of New York.

No. 742, G. O. 888 — Mr. Waterbury :

An act in relation to the temporary relief of the poor in the town of Goshen, Orange county.

No. 755, G. O. 913 — Mr. E. D. Benedict :

An act to amend chapter 133 of the Laws of 1847, entitled "An act authorizing the incorporation of rural cemetery associations, passed April 27, 1847."

No. 757, G. O. 915 — Mr. Duell :

An act for the relief of Phillip Hathaway.

[Assem. Doc. No. 135.]

No. 774, G. O. 951 — Mr. Duell:

An act for the appointment of referees to sell real estate under all decrees when agreed upon by the attorneys who appear in such actions.

No. 677, G. O. 798 — Mr. Roberts:

An act to amend chapter 320 of the Laws of 1859, entitled "An act to amend the incorporation of the village of Lancaster, in the county of Erie."

No. 465, G. O. 519 — Mr. Gibbs:

An act to amend section 15 of chapter 579 of the Laws of 1853, entitled "An act to simplify the manner of collecting arrears of taxes, assessments and regular rents of croton water, in the city of New York."

No. 771, G. O. 944 — Mr. Roberts:

An act to authorize the city of Buffalo to issue its bonds for the purposes of increasing the water supply to its inhabitants.

No. 762, G. O. 930 — Mr. Fiske:

An act in relation to rates of fare upon certain railroads.

No. 526, G. O. 599 — Mr. McCarthy:

An act giving the right to interpose supplemental pleading setting forth a discharge in bankruptcy.

No. 687, G. O. 810 — Mr. McCarthy:

An act to amend section 376 of the Code of Civil Procedure.

No. 589, G. O. 674 — Mr. Wren:

An act to authorize the Equity Gas Light Company of the eastern district of the city of Brooklyn to change its name.

No. 686, G. O. 809 — Mr. McCarthy:

An act to further amend chapter 448 of the Laws of 1876, entitled "An act relating to courts, officers of justice, and civil proceedings."

No. 753, G. O. 910 — Mr. Alvord:

An act to amend chapter 555 of the Laws of 1864, entitled "An act to revise and consolidate the general acts relating to public instruction."

No. 754, G. O. 912 — Mr. B. F. Baker:

An act to amend chapter 337, Laws of 1874, entitled "An act to facilitate the construction of water-ways, and to increase the facilities of navigation in the transportation of freight and passengers."

No. 663, G. O. 777 — Mr. B. F. Baker:

An act to facilitate the collection of judgments.

No. 766, G. O. 939 — Mr. Deane:

An act for the relief of James B. Brady.

No. 767, G. O. 940 — Mr. Deane:

An act to provide for the payment of the salary and legal expenses of George W. Morton, an excise commissioner in the city of New York.

No. 623, G. O. 716 — Mr. McAvoy:

An act granting rights to cities, counties and towns.

Senate bill No. 102, G. O. 477 — Mr. Jacobs:

An act for the relief of Mary A. Vandewater, administratrix of Henry Vandewater, deceased.

Senate bill No. 150, G. O. 678 — Mr. Braman:

An act to establish a board of fire commissioners for the village of West Troy, in the county of Albany.

Senate bill No. 206, G. O. 726 — Mr. Forster:

An act to provide for the improvement of Morningside park in the city of New York and of the streets and avenues bounding said park.

Senate bill No. 290, G. O. 953 — Mr. Schroeder:

An act to amend chapter 361 of the Laws of 1871, entitled "An act to facilitate the admission of certain wills as evidence in courts of justice."

Senate bill No. 199, G. O. 836 — Mr. Bixby:

An act relating to certain buildings erected for county purposes in the city and county of New York.

Senate bill No. 13, G. O. 142 — Mr. Williams:

An act to amend chapter 176 of the Laws of 1879, entitled "An act in relation to writs of error in behalf of the people in criminal cases."

Senate bill No. 171, G. O. 700 — Mr. Robertson:

An act to amend chapter 535 of the Laws of 1871, entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes.'"

Senate bill No. 135, G. O. 837 — Mr. Williams:

An act to give the common council of the city of Buffalo power to allow the owners of the Arcade building in said city compensation for the injury to said building occasioned by the acts of the public authorities of said city in January, 1865.

Senate bill No. 225, G. O. 819 — Mr. Williams:

An act to amend chapter 415 of the Laws of 1863, entitled "An act to amend section 1 of chapter 417 of the Laws of 1862."

Senate bill No. 133, G. O. 560 — Mr. Schroeder:

An act to create a board of estimate for the county of Kings and the city of Brooklyn, and to prescribe the manner in which appropriations shall be made for the support of the government of said county and said city.

Senate bill No. 295, G. O. 923 — Mr. Williams:

An act to amend chapter 448 of the Laws of 1876, entitled "An act relating to courts, officers of justice, and civil proceedings."

STATE OF NEW YORK

No. 136.

IN ASSEMBLY,

MAY 6, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 527, printed No. 472, entitled "An act to amend chapter six hundred and thirty-three of the Laws of eighteen hundred and seventy-five, entitled 'An act to amend the charter of the city of Brooklyn, being the act for that purpose passed June twenty-eighth, eighteen hundred and seventy-three, and the act for that purpose passed June one, eighteen hundred and seventy-four,'" reported in favor of the passage of the same, with amendments as follows:

Section two, line three, insert before the words "said board" the words "section four;" same line, after the word "constituted" insert "and its successors."

Line four, strike out the word "board" and insert "body;" same line, after the first word "to" insert "and shall have and exercise exclusive power, in said city of Brooklyn, over the removal and burial of the dead, the maintenance and operating of an ambulance service for the speedy removal of sick and injured persons."

Section three, line three, insert before the words "said board" the words "section five."

Section four, line three, before the word "the" insert "section seven."

Line five, after the word "health" insert "the removal and burial of the dead, the maintenance of an ambulance service."

Line six, after the word "Brooklyn" insert "or."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Strait,
Chamberlain,
Cookinham,

Nowlan,
Ingersoll,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 801, printed No. 680, entitled "An act to repeal an act entitled 'An act to create a metropolitan sanitary district and a board of health therein for the preservation of life and health and to prevent the spread of disease,'" passed February twenty-sixth, eighteen hundred and sixty-six, so far as it relates to the town of Newtown, Queens county, and to provide for the appointment of a board of health in said town, and defining its powers and duties, reported in favor of the passage of the same, with an amendment as follows:

Amend the title by striking out, after the word "repeal" the words "an act" and insert "chapter seventy-four of the Laws of eighteen hundred and sixty-six."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Chamberlain, | Van Valkenburgh.—11 |
| Clancy, \ | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 808, printed No. 685, entitled "An act to amend chapter eight hundred and six of the Laws of eighteen hundred and sixty-eight, entitled 'An act to incorporate the Fire Proof Warehousing Company,'" passed May ninth, eighteen hundred and sixty-eight, reported in favor of the passage of the same, with amendments as follows:

Section one, line sixty-one, strike out the word "conceived" and insert "exercised."

Also amend the title by striking out the words "passed May ninth, eighteen hundred and sixty-eight."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|------------|--------------------|
| Titus, | Clancy, | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Cookinham, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 832, printed No. 704, entitled "An act to incorporate the 'Empire Yacht Club' of the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Chamberlain, | Van Valkenburgh.—11 |
| Clancy, | | |

Negative:

Cookinham.—1

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 445, printed No. 407, entitled "An act to amend section thirteen hundred and twenty-three of the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Chamberlain, | Van Valkenburgh.—11 |
| Clancy, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 903, printed No. 747, entitled "An act in relation to unpaid taxes and water assessments in Long Island City," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Chamberlain, | Van Valkenburgh.—11 |
| Clancy, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 701, printed No. 609, entitled "An act to prevent the sale of any adulterated article as cider vinegar," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Chamberlain, | Van Valkenburgh.—11 |
| Clancy, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill Int. 1113, G. O. 926, not printed, entitled "An act to further amend chapter one hundred and forty-three of the Laws of eighteen hundred and sixty-one, relating to the charter of the city of Rochester," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Chamberlain, | Van Valkenburgh.—11 |
| Clancy, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 248, printed No. 231, entitled "An act to amend chapter eighty-three of the Laws of eighteen hundred and seventy-nine, entitled 'An act to dissolve the corporation known as the trustees of the town of Westchester, to abolish the office of trustee of said town, and to preserve the records of said town,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Chamberlain, | Van Valkenburgh.—11 |
| Clancy, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 607, printed No. 535, entitled "An act releasing all the right, title and interest of the people of the State of New York to and in certain lands in the city of Brooklyn, eastern district, formerly town of Bushwick, county of Kings, formerly lying in the East river," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Chamberlain, | Van Valkenburgh.—11 |
| Clancy, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 963, printed No. 780, entitled "An act providing for the holding of the annual town meeting of the town of Esopus at three polls," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Ingersoll, |
| Duell, | Cookinham, | Van Valkenburgh.—10 |
| Clancy, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. , printed No. 349, entitled "An act to incorporate 'The Rochester Electro-Medical Institute,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Chamberlain, | Van Valkenburgh.—11 |
| Clancy, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. , printed No. 317, entitled "An act for the protection of sureties on the bonds of contractors with municipal corporations," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Chamberlain, | Van Valkenburgh.—11 |
| Clancy, | Cookinham, | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. , printed No. 385, entitled "An act to amend chapter four hundred and eighty-two of the Laws of eighteen hundred and seventy-five, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Ingersoll, |
| Duell, | Cookinham, | Van Valkenburgh.—10 |
| Clancy, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 765, printed No. 177, entitled "An act concerning the grounds, buildings and property of the State provided for normal schools, the custody, protection and preservation of the same, and the powers of local boards in relation thereto," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|------------|------------|--------------------|
| Titus, | Clancy, | Nowlan, |
| Dougherty, | Strait, | Ingersoll, |
| Duell, | Cookinham, | Van Valkenburgh.—9 |

Negative :

Chamberlain.—1

STATE OF NEW YORK.

No. 137.

IN ASSEMBLY,

MAY 6, 1880.

REPORT

OF THE STATE ENGINEER AND SURVEYOR IN ANSWER
TO RESOLUTION OF THE ASSEMBLY AS TO WHICH, IF
ANY, OF THE FEEDERS OF THE ABANDONED GENESEE
VALLEY CANAL SHOULD BE RETAINED FOR THE USE
OF THE ERIE CANAL.

STATE OF NEW YORK:

OFFICE OF THE STATE ENGINEER AND SURVEYOR, }
ALBANY *May 6, 1880.*

HON. GEORGE H. SHARPE, *Speaker of the Assembly*:

SIR — In response to the following resolution of the Assembly

Resolved — That the State Engineer and Surveyor be and he is,
hereby directed to report to this House, within ten days, which, if
any, of the feeders of the abandoned Genesee Valley canal should
be retained as feeders for the Erie canal.

By order of the Assembly,

E. M. JOHNSON,

Clerk.

I have the honor to transmit herewith the report of Thomas
Evershed, Esq., Division Engineer in charge of the Western Divi-
sion New York State canals.

I am,

Very respectfully,

HORATIO SEYMOUR, JR.

State Engineer and Surveyor.

NEW YORK STATE CANALS,
ENGINEER DEPARTMENT, WESTERN DIVISION,
ROCHESTER, N. Y., *April 7, 1880.* }

HON. HORATIO SEYMOUR, JR., *State Engineer and Surveyor* :

DEAR SIR — Your letter asking me for a report on the necessity of retaining for the use of the Erie canal the Cuba and other reservoirs of the abandoned Genesee Valley canal has been received.

The increasing business of the Erie canal together with the great growth of eel grass in the prism of the canal, which hinders in the summer months the flow of water, renders it in my opinion imperatively necessary in order to keep up, as in years past, the navigation of the Erie, to furnish in addition to the supply from Lake Erie, a certain quantity of water at the eastern end of the Long level between Lockport and Rochester.

This additional quantity has ever since the completion of the Genesee Valley canal been supplied (either wholly or in part) through that channel and was fed by it into the Erie on the west side of the river in the city of Rochester.

In some years, however, this has not proved sufficient at which times the slash boards have been put on the Genesee river dam at the head of the feeder and a still further supply has been sent into it through that channel which is situated on the east side of the river.

It was only on occasional years that recourse has been had to the latter expedient.

The water from the Genesee Valley canal has always materially assisted in keeping up the navigation of the Erie canal.

Without it, I have no hesitation in saying, that very frequently the usefulness of that important highway would have been seriously impeded for days together.

Last year, since the abandonment of the Genesee Valley canal made it necessary to do so, the slash boards were put on the dam and the water necessary to supply the deficiency at the eastern end of the Long level was conveyed from the river to the canal through the feeder.

The water to replace the amount so taken was procured from the reservoirs of the abandoned Genesee Valley canal.

In former years long lines of canal boats have been aground on the middle portion of the long level of sixty-two miles between Lockport and Rochester, for hours and sometimes days together (as many boatmen can testify), notwithstanding the water of the Genesee Valley canal was used at the eastern end of it.

If this was sometimes so with the use of all the waters that could be brought in from that canal at the eastern end, it would of course be much worse without it on the middle portion, and it is safe to say that there would have been no navigation at all with fully loaded boats at the lower end.

The Long level between Lockport and Rochester is as before stated sixty-two miles in length, it skirts the highland to the south of it, it is one hundred feet wide at Lockport and seventy feet wide at Rochester, its general direction is east and west.

It is from its particular situation almost wholly built with embankment on the north side.

It is therefore much exposed to and the water in it liable to fluctuations from the effect of the east and west winds.

Its increased size renders it more liable to be affected by these winds than a common canal of seventy feet surface width.

The east winds hold back the water at the west end.

The west winds tend to force it down to the lower end.

Both have the same effect of leaving the middle portion of less depth than is required for proper navigation.

Hence the grounding of, and jams of boats, which still further retard the flow of the water.

Therefore the water from the reservoirs near the summit of the Genesee Valley canal are still needed to furnish as before the requisite quantity of water to remedy the deficiency, to afford an unimpeded navigation on this Long level, and to furnish water for the lockages east of Rochester.

But as this can no longer be done through the Genesee Valley canal it is proposed to turn their waters into the nearest stream and thence into the Genesee river, taking out the same amount again by means of the Genesee river dam at Rochester and through the feeder to convey it into the canal, on the east side of the river.

This was successfully done last year.

The reservoirs which were used for that purpose were the Oil creek and the Rockville reservoirs.

But little water was, however, taken from the latter.

The principal sources of water supply at the upper end of the Genesee Valley canal has been from the Cuba and Ischua reservoirs which fed the summit level and the Rockville reservoir near lock 87, some miles north of the summit level.

The main supply, however, was from the two former.

The Cuba or Oil creek reservoir occupies a portion of the valley of Oil creek, and is situated about two miles above the village of Cuba.

The stream on which it is situated flows to the southward and empties into the Allegany river.

It has a surface area of 605 acres, the contents are 527 millions of cubic feet, it has a mean depth of about 20 feet.

The dam which holds back the water is 2,200 feet in length on top, it is 65 feet in height where it crosses the original stream channel.

The water is let out through iron pipes of which there are two.

The overflow when the reservoir is full is into a small stream which empties into the creek some four miles below the dam.

The Ischua reservoir is situated on a stream of the same name, which joins Oil creek some distance before it reaches the Allegany.

It has a surface area of 80 acres, its contents are 24 millions cubic feet. The constant flow of the creek renders it a much more important feeder than its capacity would indicate.

The outlets or feeders of both these reservoirs empty into the summit level.

The waters from both can, therefore, be sent either north or south.

The Cuba reservoir may be said to have furnished water for the lockages to the northward, and the Ischua that for the lockages to the southward from the summit level.

The Rockville reservoir is fed from Black creek, it had an area of 72 acres and a capacity of 18 millions of cubic feet.

It is situated about seven miles north of the Cuba reservoir.

As both the Oil creek and Ischua reservoirs can be made to send their waters to the north, both can, if needed, be made to supply the Erie canal with their contents.

But as Oil creek and Rockville reservoirs will afford sufficient water for that canal with the present number of boats which navigate it, it is proposed to keep only those two for the purpose.

The time may not be very far distant when it will be found to be necessary to resort to the Ischua or some other source of supply for more water to keep up the traffic.

The Oil creek reservoir is situated about half a mile from the canal proper, for which distance a feeder has been constructed.

Just south of the point at which this feeder empties into the canal a permanent dam has been constructed across the canal to turn the water northward.

It is proposed to make use of a portion of the canal for a distance of about seven miles as feeder, or as far as Lock 87.

The above-mentioned feeder will also take the water of the Rockville reservoir which is situated just above Lock 87.

Below Lock 87 the channel of Black creek, which was above this point too small to contain the necessary amount of water, will convey it into the Genesee river, by which it will flow to the mouth of the feeder at Rochester.

About the 20th of June it is necessary to take in an additional supply at Rochester, which is required until about the 20th of September, at which time the grass ripens and disappears.

After that time no difficulty is experienced in getting all the water necessary for the purposes of navigation from Lake Erie, the cooler weather also causing less evaporation, assisting.

It is thus seen that for three months the water from these reservoirs is needed in the Erie canal.

The amount they are capable of affording is about 4,000 cubic feet per minute for that time.

At the end of the three months they will be empty.

The feeder at Scottsville and that portion of the canal from that village to the city of Rochester, it will also be necessary to retain and keep up, for so long as that portion of the Genesee Valley canal lying in that city is retained as a canal, or more properly speaking, as a basin appertaining to the Erie canal.

The above-mentioned piece of canal is about two miles in length, is about fifty feet wide, and has seven feet of water in it, the same as the Erie canal.

In order to keep the water in it free from impurities detrimental to health it is necessary to bring a supply of fresh water from Allen's creek, so as to cause a slight current throughout its length.

The following reservoirs and feeders will be required to be retained, for the use of the Erie canal, in perpetuity:

The Cuba reservoir.

The feeder leading from the Cuba reservoir to the Genesee Valley canal and the gates thereto.

That portion of the Genesee Valley canal, from six rods south of the inlet of said feeder to twelve rods below lock 87, a distance of about seven miles.

The Rockville reservoir.

The following will have to be retained until such time as the lower level of the Genesee Valley canal in the city of Rochester is deprived of water:

The dam, guard gates and feeder at Scottsville.

The portion of the Genesee Valley canal, from the lower end of the lock at Scottsville to the lower end of the lower lock in the city of Rochester, a distance of about 10½ miles.

Respectfully submitted.

THOS. EVERSHED,

Division Engineer.

STATE OF NEW YORK.

No. 138.

IN ASSEMBLY,

MAY 11, 1880.

COMMUNICATION

FROM THE CHAMBER OF COMMERCE OF THE STATE OF
NEW YORK INSTITUTED A. D. 1768.

At a meeting of this Chamber of Commerce, held May 6, 1880, Mr. James M. Brown, vice-president in the chair, the following resolution was unanimously adopted :

Resolved, That the Chamber approves of the bill reported by the judiciary committee of the State senate, known as senate bill No. 214, to provide for the just and equal distribution of assets without preferences, except for wages in cases of assignment under the State law.

A true copy.

JAMES M. BROWN,
Vice-President.

GEORGE WILSON,
Secretary.

At a meeting of the Chamber of Commerce, held May 6, 1880, Mr. James M. Brown, vice-president in the chair, the following resolution was unanimously adopted :

Resolved, That this Chamber approves of the bill introduced in the assembly by Hon. Edward Mitchell, known as assembly bill No. 723, to authorize the issue of a writ of mandamus compelling common carriers to perform their duties pending the decision by the courts of questions at issue between carriers and shippers.

A true copy.

JAMES M. BROWN,
Vice-President.

GEORGE WILSON,
Secretary.

STATE OF NEW YORK.

No. 139.

IN ASSEMBLY,

MAY 11, 1880.

SUPPLEMENTAL REPORT

OF THE COMMITTEE ON THE AFFAIRS OF CITIES UPON STREET-CLEANING IN THE CITY OF NEW YORK.

To the Assembly :

Your committee on the affairs of cities having hitherto reported at length their views and suggestions upon the subject of street-cleaning in the city of New York now respectfully make this supplemental report, submitting for the consideration of the assembly, two bills which contain such of the suggestions and recommendations above made as your committee believe it wise to incorporate into a law, in accordance with the policy outlined by the committee in their formal report, viz: "Merely to remove by legislation, as far as possible, all practical embarrassments now complained of, to endeavor to make some needed reforms in the matter of government, establish more direct personal responsibility, leaving the officer having charge of the work untrammelled by a multitude of narrow rules and legislative restrictions."

Your committee submit herewith and recommend the passage of the following bills, viz.: "An act to provide for cleaning the streets of the city of New York, and the collection and disposition of the ashes, garbage and street-sweepings in said city." Also "An act to facilitate the speedy and economical disposition of refuse in the city of New York."

They also submit herewith a valuable communication from Professor Charles F. Chandler (marked Schedule A), being a bill drawn by him to carry out, to its fullest extent, the "Block system," being the system strongly recommended by your committee for practical work. But while strongly approving the system suggested by Pro-

fessor Chandler, your committee are disposed to consider that it would not only be impracticable, but unwise at this time to attempt to pass a bill of the character suggested by him. They believe, however, that under the bills suggested by them the same objects can be attained, provided always that the superintendent in charge of the work be an efficient and capable officer.

May 10, 1880.

JAMES M. VARNUM,

Chairman.

SCHEDULE A,

TO SUPPLEMENTAL REPORT OF THE COMMITTEE ON CITIES ON STREET CLEANING IN NEW YORK CITY.

HON. JAMES M. VARNUM,

Chairman of the Committee on Cities:

DEAR SIR—Inclosed I send the copy of the bill which I have prepared at your request, embodying “The block system of street-cleaning for the city of New York.”

Very truly yours,

C. F. CHANDLER.

PLAN

FOR A BUREAU OF STREET-CLEANING FOR THE CITY OF NEW YORK.

[Block plan.]

AN ACT to provide for the cleaning of the streets, and removal of garbage and ashes in the city of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be a bureau of street-cleaning in the city of New York, which shall be separate from and not attached to any of the departments of said city, of which bureau one superintendent of street-cleaning shall be the head, who shall be appointed by the mayor for a term of six years, at a salary of \$6,000 per annum, and who may be removed by the mayor after he has been informed of the cause of the removal, and has been allowed an opportunity to make an explanation. In case of any vacancy by death, resignation, or otherwise, in the office of such superintendent, the mayor shall, within fifteen days, appoint a successor; and the senior deputy superintendent of street-cleaning shall perform the duties of superintendent until such successor shall have been appointed and qualified.

SEC. 2. There shall be three deputy superintendents; one of whom shall have charge of the removal of garbage; one of whom shall have charge of the sweeping and cleaning of the streets; and one of whom shall have charge of the removal of ashes and street-sweepings from the streets. Each of the said deputies shall have under his particular care all matters relating to the performance of

the work and of the contracts made for the work in the particular division to which he may be assigned.

The said deputies shall be appointed by the superintendent, and any one of them may be removed by him for cause, after he has been informed of the cause of the proposed removal, and has been allowed an opportunity of making an explanation, and the true grounds thereof have been entered upon the records of the bureau, provided that the mayor shall in writing approve of such removal.

Each of the said deputies shall receive a salary of \$3,000.

SEC. 3. Immediately upon the organization of this bureau under this act, the superintendent of street-cleaning shall appoint one surgeon and one paymaster, whose salaries shall not exceed two thousand dollars each per annum; and so many clerks as may be required, whose aggregate salaries shall not exceed eight thousand dollars per annum; and so many messengers as may be required, whose aggregate salaries shall not exceed four thousand dollars per annum; and thirty inspectors or foremen, whose aggregate salaries shall not exceed thirty thousand dollars per annum.

The officers and employees of this bureau may be removed by said superintendent, after they have been informed of the reason of their proposed removal, and have been allowed an opportunity to make an explanation; and in every case of a removal the true grounds of the removal shall be entered upon the records of the bureau. The said officers and employees shall perform such duties as the superintendent may designate and prescribe.

SEC. 4. In the work of street-sweeping and cleaning no more than one thousand men shall be employed; in the collection and removal of garbage to the places of deposit designated by the superintendent of street-cleaning, not more than seventy-five men, with suitable carts and horses; and in the collection and removal of ashes and street-sweepings to the places of deposit designated by the superintendent of street-cleaning, not more than one hundred and fifty men, with suitable carts and horses, shall be employed. All the said men shall be able-bodied, and shall have passed a satisfactory medical examination by the surgeon of the said bureau. They shall also be uniformed and numbered, and the men engaged in the three different kinds of labor herein specified, viz.: street-sweeping and cleaning, the collection of garbage, and the collection and removal of ashes and street-sweepings, shall be separately numbered and distinguished in uniform; the uniforms, tools, carts, horses and other appliances, as specified by the superintendent, shall be furnished by the men employed, at their own expense, in accordance with the rules and regulations of the said bureau and the provisions of this act, to be approved upon inspection by the officers thereof as suitable and proper for the work.

The carts used in the removal of garbage shall be covered, separately numbered, and distinguished in color from those used in the removal of ashes and street-sweepings. And in no case shall horses and carts be used in any of the said work, until after they have

been approved, upon inspection of the officers of said bureau, as suitable and proper for such purpose.

SEC. 5. The superintendent of street-cleaning shall designate and allot districts in such manner that each man shall have one particular district in which to perform all the work of his particular kind daily, or so often as he may be required by the rules and regulations of the said bureau of street cleaning. But nothing contained in this section shall be construed to restrict or limit the power and authority of the said superintendent to require the employees of the said bureau to render services, and perform other and additional work outside of such allotted districts.

When by reason of snow and ice the ordinary work of street-sweeping and cleaning is interrupted, the street-sweepers shall clear the gutters and cross-walks and keep them clear.

SEC. 6. Garbage shall not be mixed with ashes or with street-sweepings, and ashes shall be collected from the buildings and removed separately to the vessels or dumping-places specified by the superintendent, at regular and convenient hours, according to the rules and regulations prescribed by the said superintendent; but the ash carts may also collect street-sweepings. The garbage and ashes shall be conveniently placed by the occupants of the buildings or premises, in separate vessels near the entrances thereto.

The garbage and ashes shall be collected from the houses by the drivers of the carts, who shall, within the hours prescribed by the rules of the bureau, for the different parts of their districts, enter the houses and take therefrom the vessels containing the garbage, or ashes, and after emptying the contents of the same into their carts shall return the same into the houses.

SEC. 7. The superintendent of street-cleaning shall make proper regulations regarding the collection and separation of garbage and ashes, and the placing of the same in proper vessels, near the entrances to buildings, and all other matters necessary to a proper performance of the work herein provided for. Such regulations shall be subject to the approval of the mayor, and shall be published from time to time in the city record, and a printed copy of the same shall be delivered, under the direction of said superintendent, to the owner or occupant of each building in said city.

SEC. 8. Sweeping-machines may be used, in the discretion of the superintendent of street-cleaning, to aid in the work of sweeping the streets in the principal thoroughfares. And additional men and horses, approved, as is provided in section 4, may be employed for this purpose.

SEC. 9. For any failure to perform his work, or for any dereliction of duty, the superintendent may discharge any employee named in sections 4, 6, and 8, of this act, but shall in every such case enter upon his minutes the true cause of such discharge.

SEC. 10. It shall be the duty of the superintendent to forthwith prepare suitable and distinct contracts, in accordance with the provisions of this act, and of section 91 of chapter 335 of the Laws of

1873, for the removal from the city of garbage collected as hereinbefore provided, and also for the removal from the city of ashes and sweepings collected as hereinbefore prescribed, which contracts shall not be for a longer period than five years. All such contracts shall be awarded to the lowest bidder, the terms of whose contract shall be settled by the counsel to the corporation as an act of preliminary specification, and he shall give security for the faithful performance of his contract; and the adequacy of this security shall, in addition to the justification and acknowledgment, be approved by the comptroller. All bids and proposals shall be publicly opened by the superintendent in the presence of the comptroller, unless the comptroller shall, after due notice, fail to attend. In which case they shall be publicly opened by the said superintendent.

Provided, however, that any bid or bids for a contract, after all the bids have been thus publicly opened, may, in the discretion of the superintendent, be rejected by him, if his action therein shall be approved by the mayor, upon a statement in writing of the grounds of such rejection. If the lowest bidder shall refuse or neglect to accept the contract within forty eight hours after written notice that the same has been awarded to his bid or proposal, or, if he accepts, but does not execute the contract and give the proper security, it shall be readvertised and relet in accordance with said section 91, chapter 335 of the Laws of 1873.

SEC. 11. All such contracts shall embody terms requiring the faithful observance on the part of the contractor of the ordinances of the sanitary code, and shall also reserve the option to the superintendent of street-cleaning to rescind the contract at any time if the contractor, in the performance of his contract, shall violate the same or any part thereof, or fail to comply with the rules and regulations of the bureau of street-cleaning, or fail to pay any penalty imposed upon him by the superintendent of street-cleaning for any violation of any part of his contract as hereinafter provided.

SEC. 12. One or more contracts, not to exceed four, may be made by the superintendent of street-cleaning in the manner hereinbefore provided, for the removal from the city of garbage. In this service the garbage shall be removed beyond the city limits daily, unless during the months of November, December, January, February, and March, the superintendent shall give temporary permits for less frequent removal, which permits shall be revocable by him at any time.

The garbage shall be removed to some place out of the city, to be specified in the contracts, where it shall be deposited or disposed of in such a way as not to cause a nuisance to residents of the neighborhood; and it shall not be dumped or thrown into any waters of this State, or within such distance that it can be brought by wind, tide, or current, within the boundary lines of this State.

SEC. 13. Ashes and street-sweepings shall be removed from the dumping-places under contracts for this work, separately and in vessels, in which no garbage shall be placed or conveyed. One or

more contracts, not to exceed four for this work, shall be made by the superintendent of street-cleaning in the manner hereinbefore provided. The street-sweeping may be removed in the same vessels with the ashes. Contractors under this section shall not remove any garbage, but shall daily remove the ashes and street-sweepings, unless special permits for less frequent removals shall be granted by the superintendent of street-cleaning, revocable at his pleasure.

Sec. 14. The ashes and street-sweepings shall be removed by the contractor or contractors, or used in such a manner as not to cause a nuisance. And they shall not be piled up or suffered to accumulate anywhere within the city limits, or be used for filling vacant lots, except under special permits, in accordance with the terms of such permits, issued by the board of health and under the inspection of the officers thereof, and not otherwise.

Sec. 15. No garbage, ashes, or refuse of any kind, shall be swept into or placed in the streets of New York, by any person or persons, except materials used in the construction of buildings under permits of the department of public works of the city of New York. And no garbage, or garbage mixed with ashes, or with street-sweepings, and no refuse of any kind, offal, manure, nor any offensive material whatever, shall be placed, thrown, dumped, or deposited in any part of the city of New York, or in the waters of the State adjacent to said city, or in the bay of New York, except in the application of manure to the parks, gardens, or farms, when it shall not cause a nuisance, and shall not be prohibited by the ordinances of the sanitary code.

Sec. 16. Upon any report, in writing, made by a foreman, that the garbage has not been properly collected or removed, or that ashes, or street-sweepings have not been properly removed, upon any report of a sanitary inspector forwarded to the bureau of street-cleaning by the board of health, or upon any written complaint of any other person, the superintendent of street-cleaning may take and file among the records of his bureau what he shall regard as sufficient proof to authorize his declaration that the garbage has not been properly collected or removed, or that ashes or street-sweepings have not been properly removed, and thereupon he shall order the said evil to be remedied, in the manner to be specified in his said order. He shall cause the said order to be served on the contractor to whose work, or neglect of the proper work, said report relates, or his agent, and within three days after such service the said contractor may apply to the said superintendent to have the said order stayed, rescinded, or modified, and thereupon the said superintendent shall give to the said contractor a reasonable opportunity to be heard and to present facts and proofs according to the rules and directions prescribed therefor by the said superintendent.

The said superintendent shall file such facts and proofs as he may receive, and such other proof as he may take, with the records of the bureau, and enter his proceedings upon the minutes; and thereafter rescind, modify, or affirm his said order. But in case no hear-

ing shall have been demanded by said contractor, or that the said order shall be in whole or in part affirmed, the contractor shall be required to execute the order, and also shall in each case forfeit the sum of two hundred and fifty dollars, to be deducted by the superintendent from the next payment which shall become due under the said contract.

SEC. 17. Snow and ice in the streets of New York shall be removed therefrom by the car corporations, companies, or proprietors who have the license or franchise to run therein, upon the requisition or order upon them or their agents by the superintendent of street-cleaning, who shall specify the amount of work or the proportion thereof to be done in such removal of snow and ice at any time by the car corporation, corporations, company, companies, proprietor or proprietors in any street. But in no case shall the superintendent require the removal, in the avenues and wide streets, of a greater amount of snow or ice than shall be equivalent to that which fell upon or which covered a width of ten feet, where there is a single track, or twenty feet, where there is a double track, with proportionate increase for extra tracks and sidings; but in streets not exceeding twenty feet in width, from curb to curb, he may direct the removal of all the snow and ice. Such work shall be done by the said corporations, companies, or proprietors of the said lines, without any expense to the city. In case any corporation, company or proprietor shall fail to comply with the order of the superintendent, and shall not have promptly begun to remove the snow and ice as provided in this act, and completed the work within the time specified in the order, said corporation, company or proprietor shall not be permitted to run any car in any of the streets of New York, and on notice of such failure from the superintendent of street-cleaning, countersigned by the mayor, it shall be the duty of the police department of the city of New York, its officers and men, to stop all the cars of the said corporation, company, or proprietor until such work is completed.

SEC. 18. For the removal of snow and ice beyond the limits hereby assigned to car companies, and in streets in which there are no car lines, the superintendent of street-cleaning may, in special emergencies, with the approval of the mayor, either make special contracts for its removal, or he may employ men and carts by the day for such work,

SEC. 19. It shall be the duty of the officers of the police force of the police department of the city of New York, to enforce the rules and regulations of the superintendent of street-cleaning, in relation to the cleaning of the streets, the removal of garbage, the removal of ashes and street-sweepings, the ordinances of the sanitary code, and all the provisions of this act; to arrest all persons violating the same, and to report the condition of the streets and all violations of the provisions of this act to the superintendent of street-cleaning. There should also be kept by the officers of said police department, in each precinct, at the station-houses, complaint

books, in which persons may write over their own signatures, giving their residences, complaints, specifying the street and place where the work of street-cleaning, or removing garbage, ashes or street-sweepings has been neglected. Two such books, to be used on alternate days, shall be kept at each station-house, one of which shall be sent daily to the superintendent of street cleaning, who shall order an immediate examination of the places complained of.

SEC. 20. Nothing in this act shall be construed to in any way limit or modify the powers and duties of the board of health, and its officers and agents, in respect to all matters relating to the sanitary condition of the city of New York under existing laws.

SEC. 21. Whoever shall violate any of the provisions of this act, or any of the general orders or regulations made under authority thereof, shall be treated and punished as for a misdemeanor, in addition to any forfeitures or penalties he may be required to suffer or to pay.

SEC. 22. It shall be the duty of the department of docks of said city, upon the requisition of the superintendent of street-cleaning, to designate and set apart such number of piers, docks, and dumping boards in said city as may be necessary to carry out the provisions of this act, and to secure the efficient and regular removal from said city of garbage, ashes and street-sweepings collected as herein provided.

SEC. 23. In case any difference shall arise between the superintendent of street-cleaning and any department of the city government, the mayor may, at the request of the said superintendent or department, convene a commission, to consist of the mayor, the commissioner of public works, and the president of the board of health; said commission shall decide the matter in dispute, and the decision shall be final.

SEC. 24. Upon the organization of the said bureau of street-cleaning, and notice thereof from the superintendent of street-cleaning to the police department of the city of New York, all the premises, rooms, and property of every description, now held and used by the said police department, and by the bureau of street-cleaning, in the work of cleaning the streets of the city of New York, or of the removal of ashes or garbage, and by the said bureau of street-cleaning, shall be transferred by the said police department to the bureau of street-cleaning herein created. And all of the said property not necessary to the use of the said bureau of street-cleaning herein created, excepting real estate, shall be sold at public auction by the said superintendent of street-cleaning, and the proceeds thereof paid over in the manner provided in section 92 of chapter 335 of the Laws of 1873. And the proceeds of such sale and all unexpended balances of the appropriation for the present financial year, for the purposes of street-cleaning in the city of New York, shall be a special fund in the hands of the comptroller of said city, from which shall be paid the expenses of the bureau herein created, and of the work herein provided for, and the

aforesaid unexpended balances for street-cleaning shall be transferred from the police department to the credit of the said fund.

Until the contracts herein provided for are executed, the bureau of street-cleaning hereby created shall continue to remove the ashes and garbage, and clean the streets, in the same manner in which the work is now by law authorized to be done by the police department of said city.

SEC. 25. Within fifteen days from the passage of this act, or as soon as the said bureau shall have been organized, and notice thereof given by the said superintendent of street-cleaning, and in each year thereafter, the board of apportionment, created by section 112 of chapter 335 of the Laws of 1873, shall estimate and apportion the amount required for the expenses of the said bureau, and such apportionment shall be final, and the amount thereof shall be and become appropriated for such purpose, and shall be raised in the manner provided by the said section 112 of the act herein named.

In each year hereafter, the said board of apportionment shall estimate and apportion the amount required for the expenses of the said bureau, and such apportionment shall be final, and the amount thereof shall be and become appropriated for such purpose, and shall be raised in the manner provided by the said section 112 of the act herein named. All expenses incurred under the provisions of this act shall be paid by the comptroller upon vouchers and requisitions duly certified by the superintendent of street-cleaning.

Payments on contracts shall be made at such periods, and with such percentage retained, as the mayor and superintendent of street-cleaning shall determine.

SEC. 26. Chapters 677 and 732 of the Laws of 1872, and section 67, chapter 335 of the Laws of 1873, and all acts and parts of acts, so far as they are inconsistent with this act, are hereby repealed.

SEC. 27. This act shall take effect immediately.

STATE OF NEW YORK.

No. 140.

IN ASSEMBLY,

MAY 11, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 915, printed No. 757, entitled "An act for the relief of Philip Hathaway," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|------------|
| Titus, | Carpenter, E. A., | Cookinham, |
| Dougherty, | Strait, | Nowlan, |
| Duell, | Chamberlain, | Evans, |
| Clancy, | Wells, | Fish.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 807, printed No. 684, entitled "An act to provide for payment of the expense of certain proceedings against public officers in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|------------|
| Titus, | Carpenter, E. A., | Cookinham, |
| Dougherty, | Strait, | Nowlan, |
| Duell, | Chamberlain, | Evans.—11 |
| Clancy, | Wells, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 940, printed No. 767, entitled "An act to provide for the payment of the salary and legal expenses of George W. Morton, an excise commissioner in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

[Assem. Doc. No. 140.]

Affirmative :

| | | |
|------------|-------------------|------------|
| Titus, | Carpenter, E. A., | Cookinham, |
| Dougherty, | Strait, | Nowlan, |
| Duell, | Chamberlain, | Evans, |
| Clancy, | Wells, | Fish.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 912, printed No. 754, entitled "An act to amend act chapter three hundred and thirty-seven, Laws of eighteen hundred and sixty-four, entitled 'An act to facilitate the construction of water-ways, and to increase the facilities of navigation in the transportation of freight and passengers,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Evans, |
| Clancy, | Cookinham, | Fish, |
| Griggs, | Gorsline, | Van Valkenburgh.—13 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 353, printed No. 327, entitled "An act to amend chapter one hundred and one of the Laws of eighteen hundred and seventy-nine, entitled 'An act to amend section twenty-eight of article two of title ten of chapter eight of part three of the Revised Statutes, relating to summary proceedings to recover the possession of land,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Fish, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—11 |
| Strait, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 628, printed No. 552, entitled "An act to incorporate the Supreme Council of Royal Templars of Temperance, and to provide for the organization of select councils, and a grand council for the State of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|---------|--------------|---------------|
| Titus, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Evans, |
| Clancy, | Cookinham, | Fish, |
| Strait, | Gorsline, | Ingersoll.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 791, printed No. 672, entitled "An act to amend chapter four hundred and twenty-six of the Laws of eighteen hundred and forty-seven, entitled 'An act to provide for the incorporation of villages,'" so far as the same relates to the village of Corning, in the county of Steuben, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 674, printed No. 589, entitled "An act to authorize the Equity Gas Light Company of the eastern district of the city of Brooklyn to change its name," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Griggs, | Gorsline, | Van Valkenburgh.—15 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 959, printed No. 779, entitled "An act to amend section four of chapter three hundred and eighty-one of the Laws of eighteen hundred and seventy-five, entitled 'An act supplemental to an act entitled 'An act to provide for the incorporation of religious societies,'" passed April fifth, one thousand eight hundred and thirteen, and of the several acts amendatory thereof, reported in favor of the passage of the same, with amendments as follows:

Section one, line eight, strike out the words "and which."

Also amend the title by striking out the words:

"Passed April fifth, eighteen hundred and thirteen."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|--------------|------------|---------------------|
| Titus, | Wells, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—13 |
| Chamberlain, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 798, printed No. 677, entitled "An act

to amend chapter three hundred and twenty of the Laws of eighteen hundred and fifty-nine, entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,' " reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 601, printed No. 528, entitled "An act to legalize the official acts of Charles I. Schampain as a notary public for the county of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|------------|--------------------|
| Titus, | Strait, | Fish, |
| Duell, | Cookinham, | Ingersoll, |
| Clancy, | Gorsline, | Van Valkenburgh.—9 |

Negative:

Nowlan.—1.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 913, printed No. 755, entitled "An act to amend chapter one hundred and thirty-three of the Laws of eighteen hundred and forty-seven, entitled 'An act authorizing the incorporation of rural cemetery associations, passed April twenty-seven, eighteen hundred and forty-seven,' " reported in favor of the passage of the same, with an amendment as follows:

To amend the title by striking out the words:

"Passed April twenty-seven, eighteen hundred and forty-seven."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|------------|---------------------|
| Titus, | Cookinham, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 831, printed No. 703, entitled "An act to amend chapter five hundred and fifty-four of the Laws of eighteen

hundred and seventy-three, entitled 'An act amending chapter eight hundred and thirty-seven, Laws of eighteen hundred and sixty-eight, and chapter six hundred and twenty-three, Laws of eighteen hundred and sixty-nine, in reference to the laying out, opening and continuing Bushwick avenue, in the town of New Lots, Kings county,' reported in favor of the passage of the same, with amendments as follows:

Section one, line one, strike out word "heretofore."

Line two, after the word "provided" strike out all down to and including word "sixty-nine" in line four.

Section two, strike out lines three, four, five, six, including word "Kings" in line seven.

Section three, line four, strike out word "thirty."

Line seven, strike out word "thirty."

Line eleven, strike out word "thirty;" also the words "after the filing of the map and description of said avenue."

Line fifteen, after the word "and" strike out all down to and including the word "thereby" in line seventeen.

Section four, line four, strike out the words "curbed and guttered."

Line five, strike out the words "curbing and guttering."

Line eleven, strike out the words "one-half of."

Line twenty, after the word "avenue" strike out the remainder of the section.

Section five, line four, strike out word "three."

Line five, strike out word "seven."

Section six, line six, strike out word "seven."

Line eight, strike out word "three."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Clancy,
Strait,

Cookinham,
Gorsline,
Nowlan,

Fish,
Ingersoll,
Van Valkenburgh.—10

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 986, printed No. 795, entitled "An act allowing actions brought in the marine court of the city of New York against the mayor, aldermen and commonalty of the city of New York to be discontinued and recommenced in any court of competent jurisdiction and the time in which the same may be brought," reported in favor of the passage of the same, with an amendment as follows:

To amend the bill by striking out the "Preamble."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Clancy,
Strait,

Cookinham,
Gorsline,
Nowlan,

Fish,
Ingersoll,
Van Valkenburgh.—10

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 860, printed No. 722, entitled "An act to amend chapter three hundred and thirty-two of the Laws of eighteen hundred and seventy-five, entitled 'An act to amend chapter six hundred and ten of Laws of eighteen hundred and seventy-four, entitled 'An act to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the several towns of the county of Westchester,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|---------|------------|---------------------|
| Titus, | Cookinham, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 668, printed No. 584, entitled "An act to amend chapter four hundred and eighty-two of the Laws of eighteen hundred and seventy-five, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|---------|--------------|---------------------|
| Titus, | Chamberlain, | Evans, |
| Duell, | Cookinham, | Fish, |
| Clancy, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 681, printed No. 595, entitled "An act relating to the title to personal property," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative :

| | | |
|---------|------------|--------------------|
| Titus, | Cookinham, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—9 |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 477, printed No. 102, entitled "An act for the relief of Mary A. Vandewater, administratrix of Henry Vandewater, deceased," reported in favor of the passage of the same, with amendments as follows:

To amend section one of the engrossed bill by striking out all after the word "authorized" in line two, down to and including the word

“of” in line four, and inserting “and directed to examine the claim made against said city by;” line ten, after the word “two” insert “and;” to add at the end of section one the following: “The said comptroller shall fix and determine the fair, just and reasonable amount to be paid, and such determination shall be filed in the finance department.”

To insert as section two as follows:

§ 2. The said comptroller shall certify the amount so fixed and determined by him to the board of estimate and apportionment of said city, which board shall thereupon make an appropriation for the payment thereof, which appropriation shall be included in the final estimate made by said board for the year eighteen hundred and eighty, and shall be certified by the comptroller to the supervisors of the county of New York as a part of the said estimate, and the comptroller shall pay the amount so fixed and determined by him and appropriated by the board of estimate and apportionment, upon receiving a release of such claim in favor of the city.

To change section two to section three.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Strait, | Nowlan, |
| Dougherty, | Chamberlain, | Evans, |
| Duell, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Griggs, | Gorsline, | Van Valkenburgh.—15 |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 923, printed No. 295, entitled “An act to amend chapter four hundred and forty-eight of the Laws of eighteen hundred and seventy-six, entitled ‘An act relating to courts, officers of justice, and civil proceedings,’ ” reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|------------|--------------------|
| Titus, | Cookinham, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Strait, | Nowlan, | Van Valkenburgh.—9 |

Negative:

Clancy.—1

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 142, printed No. 13, entitled “An act to amend chapter one hundred and seventy-six of the Laws of eighteen hundred and seventy-nine, entitled ‘An act in relation to writs of error in behalf of the people in criminal cases,’ ” reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Clancy,
Strait,

Cookinham,
Gorsline,
Nowlan,

Fish,
Ingersoll,
Van Valkenburgh.—10

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 819, printed No. 225, entitled "An act to amend chapter four hundred and fifteen of the Laws of eighteen hundred and sixty-three, entitled 'An act to amend section first of chapter four hundred and seventeen of the Laws of eighteen hundred and sixty-two,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Clancy,

Strait,
Cookinham,
Gorsline,

Fish,
Ingersoll,
Van Valkenburgh.—9

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 935, printed No. 232, entitled "An act to regulate the appointment and compensation of janitors for the several armories in the county of Kings," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Strait,
Chamberlain,

Wells,
Cookinham,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll,
Van Valkenburgh.—12

Negative:

Clancy.—1

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 678, printed No. 150, entitled "An act to establish a board of fire commissioners for the village of West Troy in the county of Albany," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,
Griggs,

Strait,
Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Evans,
Fish,
Ingersoll,
Van Valkenburgh.—15

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 938, printed No. 251, entitled "An act to amend chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine, entitled 'An act for the preservation of moose, wild deer, birds, fish, and other game,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|--------------|---------------------|
| Duell, | Chamberlain, | Nowlan, |
| Clancy, | Wells, | Evans, |
| Griggs, | Cookinham, | Ingersoll, |
| Strait, | Gorsline, | Van Valkenburgh.—12 |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 726, printed No. 206, entitled "An act to provide for the improvement of Morningside park in the city of New York and of the streets and avenues bounding said park," reported in favor of the passage of the same, with amendments as follows:

Section five, line thirteen of engrossed bill, strike out the word "works," and insert "parks."

Section six, line three, strike out the words "one month," and insert "three months;" also after the word "avenues," in line thirteen, strike out the remainder of the section.

Section eight, line five, after the word "issue" insert "from time to time as required;" line thirteen, after the word "dollars," insert "in all whereof not exceeding seventy-five thousand dollars shall be;" line sixteen, after the word "annum," insert "the balance thereof with interest at six per cent per annum shall be payable on the first day of November, eighteen hundred and eighty-two."

Section nine, line seven, after the word "eighty-one," insert "and eighty-two;" line seven, after the word "pay," insert "in each said years one-half of the principal;" also strike out in lines seven and eight the words "both principal and interest;" also to add at the end of the section the words, "together with the interest thereon."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|---------|------------|---------------------|
| Titus, | Cookinham, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Clancy, | Nowlan, | Van Valkenburgh.—10 |
| Strait, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 881, printed No. 233, entitled "An act to further amend chapter nine hundred and eight of the Laws of eighteen hundred and sixty-seven, entitled 'An act for the regulation of tenement and lodging houses in the cities of New York and Brooklyn,' as amended by chapter five hundred and four of the Laws of

eighteen hundred and seventy-nine," reported in favor of the passage of the same, with amendments as follows :

To amend the engrossed bill by adding as section two the following:

§ 2. Section five of said chapter five hundred and four of the Laws of eighteen hundred and seventy-nine is hereby amended so as to read as follows :

§ 5. The board of police of the city of New York, upon the requisition of the board of health of the city of New York, shall detail to the service of the said board of health for the purpose of the enforcement of the provisions of this act, of chapter nine hundred and eight of the Laws of eighteen hundred and sixty-seven, in the said city, not exceeding thirty suitable officers and men of experience of at least five years' service in the police force, provided that the board of health shall pay monthly to the board of police a sum equal to the pay of all officers and men so detailed ; the officers and men shall belong to the sanitary company of police, and shall report to the president of the board of health. The board of health may report back to the board of police, for punishment, any member of said company guilty of any breach of orders or discipline, or of neglecting his duty ; and thereupon the board of police may detail another officer or man in his place ; and the discipline of the said members of the sanitary company shall be in the jurisdiction of the board of police ; but at any time the board of health may object to the efficiency of any member of said sanitary company, and thereupon another officer or man may be detailed in his place. The board of police shall have the power, and it shall be their duty, to fill all vacancies in the police force of the city caused by the detailing of said officers and men upon the requisition of the board of health, and to make new appointments to said force equal in number to the officers and men now, or who may hereafter be detailed to the service of the board of health under and by virtue of the provisions of this act.

Change section two to section three ; also change section three to section four.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Duell,
Clancy,

Strait,
Cookinham,
Gorsline,

Nowlan,
Fish,
Van Valkenburgh.—9

STATE OF NEW YORK.

No. 141.

IN ASSEMBLY,

MAY 13, 1880.

BILLS

REFERRED TO THE SUB-COMMITTEE OF THE WHOLE.

The Speaker and Clerk, with the consent of the House, refer the following bills to the sub-committee of the whole :

No. 793, G. O. 981 — Mr. Benedict :

An act to secure to inmates of reformatory institutions freedom of worship.

No. 783, G. O. 965 — Mr. E. D. Benedict :

An act for the better protection of manufacturing interests.

No. 563, G. O. 647 — Mr. Cookinham :

An act to amend the act entitled "An act to revise the charter of the city of Utica," passed February 28, 1862, as amended by the act entitled "An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica,' " passed May 20, 1876.

No. 634, G. O. 733 — Mr. Cookinham :

An act to repeal chapter 180 of the Laws of 1875, entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties."

No. 791, G. O. 974 — Mr. E. A. Carpenter :

An act to authorize the supervisor of the town of Southampton, Suffolk county, to acquire landing places in and for the use of the inhabitants of said town.

No. 733, G. O. 872 — Mr. Fish :

An act to amend chapter 252 of the Laws of 1879, entitled "An act to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies.' "

No. 463, G. O. 517 — Mr. Hayes :

An act for the relief of Lyman Tiffany.

No. 760, G. O. 927 — Mr. Hayes :

An act to organize a night medical service in the city of New York and to provide medical assistance in cases of sudden sickness or accident during the night time.

No. 730, G. O. 868 — Mr. Lefever :

An act to amend chapter 283 of the Laws of 1850, entitled "An act to amend the Revised Statutes relating to grants of land under water."

No. 789, G. O. 969 — Mr. Thilemann :

An act for the relief of Thomas Duffy, who performed the duty and rendered services as clerk of the seventh judicial district court in the city of New York during part of the year 1879.

No. 758, G. O. 916 — Mr. E. A. Carpenter :

An act to amend the act entitled "An act to amend the Revised Statutes in relation to summary proceedings to recover possession of land," passed April 3, 1849.

Senate bill No. 402, G. O. 991 — Mr. Bixby:

An act to regulate the leasing of real estate by the mayor, aldermen and commonalty of the city of New York.

Senate bill No. 289, G. O. 988 — Mr. Williams :

An act authorizing the surrogate of the county of Erie to appoint a stenographer for the surrogate's court of said county.

Senate bill No. 254, G. O. 990 — Mr. Williams :

An act to amend chapter 258 of the Laws of 1849, entitled "An act in relation to suits by and against joint-stock companies and associations," and also to amend chapter 455 of the Laws of 1851, entitled "An act to extend the 'act in relation to suits by and against joint-stock companies and associations,' to companies having a joint or common interest in property."

Senate bill No. 391, G. O. 1019 — Mr. Hogan:

An act to amend chapter 818 of the Laws of 1866, entitled "An act to create a separate road district in the town of Middletown, Richmond county."

Senate bill No. 357, G. O. 1001 — Mr. Williams:

An act for the relief of the Buffalo Surgical Infirmary.

Senate bill No. 255, G. O. 921 — Mr. Fowler:

An act to amend chapter 467 of the Laws of 1870, entitled "An in relation to the county courts."

Senate bill No. 219, G. O. 741 — Mr. Fowler:

An act authorizing boards of town auditors to audit certain judgments against commissioners of highways, as town charges, and providing for the payment thereof.

Senate bill No. 200, G. O. 763 — Mr. Williams:

An act to amend chapter 559 of the Laws of 1874, entitled "An act to incorporate the Niagara Grand Island Bridge Company."

Senate bill No. 286, G. O. 989 — Mr. Hogan:

An act for the relief of Thomas Cottman.

Senate bill No. 227, G. O. 749 — Mr. Forster:

An act to amend the Code of Civil Procedure.

Senate bill No. 75, G. O. 884 — Mr. Forster:

An act to prevent the obstruction and incumbrance of docks, wharves and piers in the cities of New York and Brooklyn.

No. 602, G. O. 689 — Mr. Husted:

An act to amend section 3 of chapter 582 of the Laws of 1864, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2d, 1850."

No. 750, G. O. 907 — Mr. Husted:

An act in relation to railroad corporations.

Senate bill, No. 312, G. O. — Mr. Robertson:

An act to make effectual judicial decrees against unknown owners.

Senate bill No. 128, G. O. — Mr. Forster:

An act for the relief of Abel Crook.

Senate bill No. 167, G. O. — Mr. Rockwell:

An act to amend chapter 227 of the Laws of 1872, entitled "An act to amend an act passed May 9th, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled 'An act to lay out and construct a road from the river road in township number 14, in the town of Johnsburgh, to the Carthage road near the head of Long lake in the county of Hamilton.'"

STATE OF NEW YORK.

No. 142.

IN ASSEMBLY,

MAY 12, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 810, printed No. 687, entitled "An act to amend section three hundred and seventy-six of the Code of Civil Procedure," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------|
| Titus, | Griggs, | Gorsline, |
| Dougherty, | Chamberlain, | Nowlan, |
| Duell, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll.—13 |
| Carpenter, E. A., | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 951, printed No. 774, entitled "An act for the appointment of referees to sell real estate under all decrees when agreed upon by the attorneys who appear in such actions," reported in favor of the passage of the same, with amendments as follows:

To add at the end of section one as follows: "In default of such agreement the court shall in every case appoint a referee, or the sheriff of the county in which such real estate is situated to execute its judgment or decree."

To add as section two the following: "All acts or parts of acts inconsistent herewith are hereby repealed."

Also to change section "two" to section "three."

[Assem. Doc. No. 142.]

Also to amend the title so that it will read :

"An act for the appointment of referees to sell real estate under judgments or decrees."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Duell, | Cookinham, | Ingersoll, |
| Carpenter, E. A., | Gorsline, | Van Valkenburgh.—13 |
| Griggs, | | |

Negative :

Clancy.—1

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 939, printed No. 766, entitled "An act for the relief of James B. Brady," reported in favor of the passage of the same, with amendments as follows :

Section one, line one, after the word "authorize" insert "and required;" line five, after the word "verified," strike out the remainder of section one and insert "or the comptroller may, upon the application of said Brady, appoint a suitable person to act as referee, who shall without delay proceed to take testimony and examine all the facts and evidence bearing upon said claim, and report the testimony and certify to the comptroller the amount in his judgment equitably due said Brady, and unpaid for work so performed, and said amount so certified with interest shall be deemed a valid claim against said city, to be by the comptroller reported to the board of estimate and apportionment of said city."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|--------------|---------------------|
| Titus, | Griggs, | Nowlan, |
| Dougherty, | Chamberlain, | Fish, |
| Duell, | Wells, | Ingersoll, |
| Clancy, | Cookinham, | Van Valkenburgh.—14 |
| Carpenter, E. A., | Gorsline, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 910, printed No. 753, entitled "An act to amend chapter five hundred and fifty-five of the Laws of eighteen hundred and sixty-four, entitled 'An act to revise and consolidate the general acts relating to public instruction,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|------------|---------------------|
| Titus, | Griggs, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Duell, | Cookinham, | Van Valkenburgh.—10 |
| Clancy, | | |

Negative :

Carpenter, E. A.,

Gorsline.—2

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 970, printed No. 790, entitled "An act to provide for the rebuilding of Fulton market in the city of New York," reported in favor of the passage of the same, with amendments as follows:

Section three, line one, after the word "standholders," insert "and cellar lessees;" line two, strike out the words "for stands;" line four, after the word "standholders," insert "or lessees."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|-------------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Duell, | Cookinham, | Van Valkenburgh.—11 |
| Carpenter, E. A., | Gorsline, | |

Negative:

Clancy.—1

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 777, printed No. 663, entitled "An act to facilitate the collection of judgments," reported in favor of the passage of the same, with an amendment as follows:

To add as section five the following:

"The provisions of this act shall not apply to the county of Albany."

Change section "five" to section "six."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|--------------|---------------------|
| Titus, | Chamberlain, | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Clancy, | Cookinham, | Ingersoll, |
| Griggs, | Gorsline, | Van Valkenburgh.—12 |

Negative:

Carpenter, E. A.—1

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 908, printed No. 751, entitled "An act to amend 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|--------------------|
| Dougherty, | Carpenter, E. A., | Fish, |
| Duell, | Chamberlain, | Ingersoll, |
| Clancy, | Cookinham, | Van Valkenburgh.—9 |

Negative:

| | | |
|--------|-----------|-----------|
| Titus, | Gorsline, | Nowlan.—3 |
|--------|-----------|-----------|

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 599, printed No. 526, entitled "An act giving the right to interpose supplemental pleading setting forth a discharge in bankruptcy," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|------------|---------------------|
| Titus, | Cookinham, | Fish, |
| Dougherty, | Gorsline, | Ingersoll, |
| Duell, | Nowlan, | Van Valkenburgh.—10 |
| Clancy, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 946, printed No. 773, entitled "An act to provide for lights at the crossings of streets by elevated railroads in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Fish, |
| Dougherty, | Gorsline, | Ingersoll, |
| Duell, | Nowlan, | Van Valkenburgh.—10 |
| Clancy, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 809, printed No. 686, entitled "An act to further amend chapter four hundred and forty-eight of the Laws of eighteen hundred and seventy-six, entitled 'An act relating to courts, officers of justice, and civil proceedings,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Fish, |
| Dougherty, | Gorsline, | Ingersoll, |
| Duell, | Nowlan, | Van Valkenburgh.—10 |
| Clancy, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 870, printed No. 732, entitled "An act to amend chapter seventy-eight of the Laws of eighteen hundred and seventy, entitled 'An act to amend an act entitled 'An act requiring compensation for causing death by wrongful act, neglect or default,' passed December thirteenth, eighteen hundred and forty-seven,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Cookinham,
Gorsline,
Nowlan.

Fish,
Ingersoll,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 888, printed No. 742, entitled "An act in relation to the temporary relief of the poor in the town of Goshen, Orange county," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Cookinham,
Gorsline,
Nowlan,

Fish,
Ingersoll,
Van Valkenburgh.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 982, printed No. 794, entitled "An act to institute a State board of correction and pardons and county boards of correction," reported in favor of the passage of the same, with amendments as follows :

To add at the end of section four the following :

"The commissioners appointed under this section shall receive no compensation for their services, but all moneys paid out by them for their actual traveling or incidental expenses shall be repaid to them by the county treasurer of the county upon presentation of an account of the same duly certified; the medical officer appointed by the board of supervisors to visit the jail shall report, from time to time, to the commissioners appointed by this section, and shall make special examination of any prisoner if desired by said commissioner."

Section five, line two, strike out all after the word "correction" down to and including the second word "time," in line six and insert "the county board of correction shall regulate the sanitary arrangements and moral discipline in each jail, in a manner not inconsistent with the Laws of the State, and the rules and regulations of the State board of correction and pardons."

Section six, line seventeen, after the word "statute" strike out all down to and including the word "application" in line twenty-three.

Line twenty-five, after the word "be" insert "forthwith."

Lines twenty-eight and twenty-nine, strike out the words "and publication of said application and notice may be omitted" and insert as follows: "in case the board of supervisors are not in session the sheriff shall serve a copy of such application on the chairman of the board immediately after its organization; if the board of supervisors shall desire to contest any of the allegations contained in such application they may present a statement in writing to said justice, and he may thereupon refer the application and statement to a referee to

take testimony thereon and report the same with the findings of facts to said justice at a time to be specified in the order of reference for final hearing.

Section twelve, line two, after the word "of" insert "twenty-five hundred."

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------------|------------|--------------------|
| Duell, | Cookinham, | Fish, |
| Carpenter, E. A. | Gorsline, | Ingersoll, |
| Chamberlain, | Nowlan, | Van Valkenburgh.—9 |

Negative :

| | |
|--------|-----------|
| Titus, | Clancy.—2 |
|--------|-----------|

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 476, printed No. 125, entitled "An act to provide for the payment of water bonds issued by the village of Goshen, in the county of Orange," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|---------------|
| Titus, | Carpenter, E. A., | Nowlan, |
| Dougherty, | Wells, | Fish, |
| Duell, | Gorsline, | Ingersoll.—10 |
| Clancy, | | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 836, printed No. 199, entitled "An act relating to certain buildings erected for county purposes in the city and county of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|--------------|---------------------|
| Titus, | Griggs, | Nowlan, |
| Dougherty, | Chamberlain, | Fish, |
| Duell, | Wells, | Ingersoll, |
| Clancy, | Cookinham, | Van Valkenburgh.—14 |
| Carpenter, E. A., | Gorsline, | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 901, printed No. 179, entitled "An act making it a felony to steal, destroy or conceal a will, codicil, or other testamentary instrument," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|------------|-------------------|---------------------|
| Titus, | Carpenter, E. A., | Fish, |
| Dougherty, | Cookinham, | Ingersoll, |
| Duell, | Gorsline, | Van Valkenburgh.—11 |
| Clancy, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 253, printed No. 41, entitled "An act to amend chapter three hundred and twenty-four of the Laws of eighteen hundred and fifty, entitled 'An act for the preservation of the public health,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|------------|--------------------|
| Titus, | Cookinham, | Fish, |
| Duell, | Gorsline, | Ingersoll, |
| Carpenter, E. A., | Nowlan, | Van Valkenburgh.—9 |

Negative :

| | |
|------------|-----------|
| Dougherty, | Clancy.—2 |
|------------|-----------|

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 560, printed No. 133, entitled "An act to create a board of estimate for the county of Kings and the city of Brooklyn, and to prescribe the manner in which appropriations shall be made for the support of the government of said county and said city," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

| | | |
|-------------------|------------|---------------------|
| Titus, | Cookinham, | Fish, |
| Dougherty, | Gorsline, | Ingersoll, |
| Duell, | Nowlan, | Van Valkenburgh.—10 |
| Carpenter, E. A., | | |

Negative :

| |
|-----------|
| Clancy.—1 |
|-----------|

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 953, printed No. 290, entitled "An act to amend chapter three hundred and sixty-one of the Laws of eighteen hundred and seventy-one, entitled 'An act to facilitate the admission of certain wills as evidence in courts of justice,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,

Olancy,
Carpenter, E. A.,
Nowlan,

Fish,
Ingersoll,
Van Valkenburgh.—9

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 978, printed No. 257, entitled "An act in relation to drains, ditches and water channels constructed before the year eighteen hundred and seventy-two, for draining swamps, marshes and other law lands," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,

Olancy,
Carpenter, E. A.,
Gorsline,

Nowlan,
Ingersoll,
Van Valkenburgh.—9

STATE OF NEW YORK.

No. 143.

IN ASSEMBLY,

MAY 14, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 966, printed No. 785, entitled "An act providing for the appointment of an additional number of commissioners of deeds in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Clancy,

Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 933, printed No. 763, entitled "An act authorizing the appointment of special policemen for Long Beach in the town of Hempstead, Queens county," reported in favor of the passage of the same, with an amendment as follows:

Section one, line two, strike out the words "and nomination."

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Clancy,

Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 878, printed No. 735, entitled "An act to amend chapter five hundred and nineteen of the Laws of eighteen hun-

dred and seventy, entitled 'An act to revise the charter of the city of Buffalo,' reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Clancy,

Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 466, printed No. 425, entitled "An act relative to the pay of policemen and firemen in the city of New York injured or disabled while in actual discharge of their duties," reported in favor of the passage of the same, with amendments as follows :

Section one, line two, strike out the words "or other employee;" strike out same words in line five.

Section three, line four, after the word "any" insert "such."

Line five, strike out word "the" and insert "such;" same line, strike out the words "or employees."

Line six, after the word "disabled" insert "as."

Line seven, strike out second word "the" and insert "such;" also strike out the words "or employee" in lines seven and eight.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 685, printed No. 598, entitled "An act to provide for the rebuilding of the market known as Jefferson Market, in the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Duell,
Clancy,

Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 941, printed No. 768, entitled "An act to authorize the dock department of the city of New York to construct a new pier for the use of the police and fire departments of that city," reported in favor of the passage of the same, with amendments as follows :

Section one, line two, after the word "authorized" insert "and directed;" also to amend the title by inserting after the word "authorize" the words "and direct."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|---------------|
| Titus, | Carpenter, E. A., | Evans, |
| Dougherty, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll.—11 |
| Clancy, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 684, printed No. 597, entitled "An act to amend chapter seventeen of the Laws of the second meeting of the fifty-first session of the legislature of the State of New York, entitled 'An act to incorporate the contributors to the Northern dispensary of the city of New York,'" passed November twenty-eighth, eighteen hundred and twenty-eight, reported in favor of the passage of the same, with an amendment as follows:

To amend the title by striking out the words:

"Passed November twenty-eight, eighteen hundred and twenty-eight."

Said bill was ordered reported by the following vote:

Affirmative:

| | | |
|------------|-------------------|---------------|
| Titus, | Carpenter, E. A., | Evans, |
| Dougherty, | Strait, | Fish, |
| Duell, | Gorsline, | Ingersoll.—11 |
| Clancy, | Nowlan, | |

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 597, printed No. 524, entitled "An act to abolish the office of marshal of the city of New York and to provide for the appointment of officers in lieu of marshals in said city, and making certain regulations concerning the same," reported in favor of the passage of the same, with amendments as follows:

Section three, lines four and five, strike out the words "during the pleasure of the justice of the court for which they are appointed," and insert "for three years from the date of appointment;" line eighteen, strike out the words "or more;" line twenty-four, after the word "money" strike out down to and including the word "city" in line twenty-seven.

To add as section four the following:

"§ 4. In case of a vacancy in the office of district court constable by reason of death, resignation or otherwise, the justice of the district court for which such constable is appointed shall fill such vacancy for the unexpired term."

Change section "four" to section "five;" change section "five" to section "six."

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill Int. No. 1171, G. O. , printed No. , entitled "An act to amend chapter three hundred and ninety-eight of the Laws of eighteen hundred and seventy-one, entitled 'An act in relation to the improvement of the First avenue in the city of New York,' reported in favor of the passage of the same without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—10

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 519, printed No. 465, entitled "An act to amend section fifteen of chapter five hundred and seventy-nine of the Laws of eighteen hundred and fifty-three, entitled 'An act to simplify the manner of collecting arrears of taxes, assessments and regular rents of croton water, in the city of New York,' " reported in favor of the passage of the same, with amendments as follows:

Strike out all after the enacting clause and insert as follows:

SECTION 1. At any time after the passage of this act, and before the first day of April, eighteen hundred and eighty-one, any person may pay to the comptroller of the city of New York the amount of any regular rents and charges for croton water imposed upon any real property belonging to such person, and now remaining unpaid, together with interest thereon at the rate of seven per cent per annum, to be calculated from the time that such rents and charges was imposed to the time of such payment. The comptroller shall make and deliver to the person making such payment a receipt therefor, and shall forthwith cancel the record of any such charges on the books of the finance department, and upon such payment being made such rent or charges shall cease to be a lien upon the property, and shall be deemed fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any interest or penalty over seven per cent per annum upon any unpaid regular rents or charges for croton water.

§ 2. This act shall take effect immediately.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—10

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 837, printed No. 135, entitled "An act to give to the common council of the city of Buffalo power to allow the owners of the Arcade building in said city compensation for the injury to said building occasioned by the acts of the public authorities of said city in January, eighteen hundred and sixty-five," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Clancy,

Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—9

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 993, printed No. 368, entitled "An act to amend title one, chapter seventeen, part one of the Revised Statutes, entitled 'of sales by auctioneers,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 470, printed No. 123, entitled "An act in relation to the temporary relief of the poor of the town of Ulster, Ulster county," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Clancy,

Strait,
Gorsline,
Nowlan,

Evans,
Fish,
Ingersoll.—9

STATE OF NEW YORK.

No. 144.

IN ASSEMBLY,

MAY 19, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 965, printed No. 783, entitled "An act for the better protection of manufacturing interests," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Carpenter, E. A.
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 930, printed No. 762, entitled "An act in relation to rates of fare upon certain railroads," reported in favor of the passage of the same, with amendments as follows:

Section one, line two, after the word "length" insert "and which propels its cars by steam."

To add as section two the following :

"This act shall not apply to any railroad company which, by its charter or by any special act, is authorized to charge more than the amount herein mentioned."

Change section "two" to section "three."

Said bill was ordered reported by the following vote :

[Assem. Doc. No. 144.]

Affirmative:

Titus,
Duell,
Strait,
Chamberlain,

Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll.—10

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 927, printed No. 760, entitled "An act to organize a night medical service in the city of New York and to provide medical assistance in cases of sudden sickness or accident during the night time," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Carpenter, E. A.,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 872, printed No. 733, entitled "An act to amend chapter two hundred and fifty-two of the Laws of eighteen hundred and seventy-nine, entitled 'An act to amend chapter three hundred and nineteen of the Laws of eighteen hundred and forty-eight, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Carpenter, E. A.,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll.—11

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 733, printed No. 634, entitled "An act to repeal chapter one hundred and eighty of the Laws of eighteen hundred and seventy-five, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,'" reported in favor of the passage of the same, with amendments as follows:

To add as section two the following: "The provisions of this act shall not apply to the counties of Westchester and Tompkins."

Change section "two" to section "three."

Said bill was ordered reported by the following vote:

Affirmative :

Titus,
Dougherty,
Carpenter, E. A.,

Strait,
Chamberlain,
Wells,

Cookinham,
Fish,
Ingersoll.—9

Negative :

Nowlan.—1

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 969, printed No. 789, entitled "An act for the relief of Thomas Duffy, who performed the duty and rendered services as clerk of the seventh judicial district court in the city of New York during part of the year one thousand eight hundred and seventy-nine," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Carpenter, E. A.,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll.—11

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 1001, printed No. 357, entitled "An act for the relief of the Buffalo Surgical Infirmary," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Duell,
Carpenter, E. A.,
Strait,

Chamberlain,
Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll.—11

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 991, printed No. 402, entitled "An act to regulate the leasing of real estate by the mayor, aldermen and commonalty of the city of New York," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,
Carpenter, E. A.,

Strait,
Chamberlain,
Wells,
Cookinham,

Gorsline,
Nowlan,
Fish,
Ingersoll.—12

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 987, printed No. 312, entitled "An act to make effectual judicial decrees against unknown owners," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Duell,
Strait,
Chamberlain,

Wells,
Cookinham,
Gorsline,

Nowlan,
Fish,
Ingersoll.—10

STATE OF NEW YORK.

No. 145.

IN ASSEMBLY,

MAY 19, 1880.

COMMUNICATION

FROM ATTORNEY-GENERAL IN RESPONSE TO RESOLUTION OF ASSEMBLY ADOPTED MARCH 5, 1880.

STATE OF NEW YORK:

OFFICE OF THE ATTORNEY-GENERAL,
ALBANY, *May* 18, 1880. }

To the Honorable the Assembly of the State of New York:

In reply to the resolution adopted by your honorable body on March 5th, 1880, in the following words:

WHEREAS, the attorney-general did on the 29th day of January last address to the receivers of insolvent corporations a circular requesting information in regard to the dividends made by them, the amount of fees received by them and paid out to referees, attorneys, clerks and stenographers, and other information of public interest:

Resolved, That the attorney-general be and he is hereby requested to furnish to this house, at his earliest convenience, the answers to said circular received by him from the receivers of banks, trust and insurance companies.

I have the honor to report, that under the existing laws, I have no authority or power to require any report from the receivers of insolvent corporations, and that so far as such receivers have replied to my circular it has been voluntary on their part, and that their reports are far from full or uniform.

I have the honor to further report that the following are substantially the facts reported to me concerning their trusts, by the receivers of the various insolvent corporations:

*The Abingdon Square Savings Bank.*FRANK THOMPSON, *Receiver.*

(Appointed August 28, 1876.)

| | |
|----------------|-------------|
| Receipts | \$31,293 54 |
|----------------|-------------|

Expenses and fees not given.

Dividend 48 per cent. Trust virtually closed.

*The American Popular Life Insurance Company.*E. Z. LAWRENCE, *Receiver.*

(Appointed June 16, 1877.)

| | |
|------------------------------------|--------------|
| Receipts | \$179,864 24 |
| Expenses, including all fees | 38,270 66 |
| Dividends paid | 123,965 65 |

Probable termination of trust not given.

*The Atlantic Mutual Life Insurance Company.*EDWARD NEWCOMB, *Receiver.*

(Appointed August 6, 1877.)

Reference for distribution now pending. Case has been seriously delayed by legal proceedings against receivers on the part of stockholders.

Receipts and expenditures not given.

Dividends estimated 40 to 50 per cent.

*The Asbury Life Insurance Company.*A. V. STOUT, *Receiver.*

(Appointed October 6, 1874.)

| | |
|---------------------------|--------------|
| Receipts | \$123,497 05 |
| Expenses (all kind) | 27,339 63 |

Dividend 70 per cent.

Final dividend now in course of payment.

*The Bond Street Savings Bank.*WILLIS S. PAINE, *Receiver.*

(Appointed September 23, 1876.)

| | |
|-----------------------|----------------|
| Receipts | \$1,055,339 02 |
| Receiver's fees | 12,000 00 |

Dividends 75 per cent.

Duration of trust dependent on suits pending.

*The Clairmont Savings Bank.*CLARK BROOKS, *Receiver.*

(Appointed November 28, 1877.)

Suits against the trustees the only assets.

*The Clinton Savings Bank.*EDWARD L. PARRIS, *Receiver.*

(Appointed July 19, 1877.)

| | |
|---|-------------|
| Receipts..... | \$59,388 23 |
| Expenses (including receiver's fees)..... | 7,720 03 |

Dividends 68 2-3 per cent.

Trust closed.

*The Continental Life Insurance Company.*JNO. P. O'NEIL, *Receiver, vice J. J. ANDERSON.*

(May 10, 1877.)

| | |
|---------------|----------------|
| Receipts..... | \$1,250,827 74 |
| Expenses..... | 110,663 00 |

Dividends 15 per cent.

Duration of trust dependent on the sale of a large amount of country real estate, the disposal of some 2,500 disputed claims, and the settlement of legal questions as to distribution.

*The Central Park Savings Bank.*MARCUS T. HUN, *Receiver, vice I. V. FRENCH.*

(March 7, 1879.)

| | |
|-------------------------------|------------|
| Cash on hand..... | \$3,104 57 |
| Expenses as per schedule..... | 137 10 |

No dividend has been declared. Trust can be closed only on termination of suits pending.

*The Empire Mutual Life Insurance Company.*JNO. P. O'NEIL, *Receiver.*

(Appointed January 4, 1879.)

No assets have come into hands of receiver. Funds of the company deposited with the superintendent of the insurance depart-

ment and have been distributed by him. Liabilities not a lien upon these funds have been proved against the Continental Life Insurance Company, by which company the risks of the Empire were reinsured.

The Globe Mutual Life Insurance Company.

JAMES D. FISH, *Receiver.*

(Appointed May 29, 1879.)

| | |
|--|--------------|
| Receipts..... | \$144,941 01 |
| Expenses of all kinds other than receiver's commissions..... | 62,296 86 |

No dividends yet paid. Duration of the trust uncertain.

The Guardian Mutual Life Insurance Company.

H. R. PIERSON, *Receiver.*

(Appointed March 8, 1877.)

No report.

The German Savings Bank.

WILLIAM J. BEST, *Receiver.*

(Appointed June 20, 1877.)

No report.

The Haverstraw Savings Bank.

B. PLATT CARPENTER, *Receiver.*

(Appointed January 2, 1879.)

| | |
|---|-------------|
| Receipts..... | \$56,267 02 |
| Total expenses not given; but counsel fees and commissions..... | 5,116 75 |
| Trust closed. Dividend 65 per cent. | |

The Merchants and Mechanics' Bank of Troy.

CHARLES E. PATTERSON, *Receiver.*

(Appointed November 27, 1878.)

| | |
|---|--------------|
| Receipts..... | \$140,000 00 |
| Expenses (not including taxes and insurance)..... | 8,798 18 |

Dividend 10 per cent.

Suits pending, upon which further dividends are dependent, determine the duration of the trust.

The Mechanics and Traders' Savings Bank.

WM. J. BEST, *Receiver.*

(Appointed July 8, 1876.)

No report.

The New York Waterproof Company.

CHARLES H. TILLEY, *Receiver.*

(Appointed October 21, 1879.)

No report.

The National Trust Company.

W. J. BEST, *Receiver.*

(Appointed December 14, 1877.)

| | |
|---------------|------------------|
| Receipts..... | \$1, 776, 121 13 |
| Expenses..... | 70, 816 26 |
| | <hr/> |

Depositors paid in full. Termination of trust dependent on extensive litigation.

The New Rochelle Savings Bank.

EDWARD M. TOMPKINS, *Receiver.*

(Appointed December 28, 1877.)

| | |
|---|--------------|
| Receipts..... | \$43, 049 93 |
| Expenses (not including commissions, taxes and insurance) | 2, 410 55 |
| | <hr/> |

Dividends 52 per cent.

A suit against the trustees for \$25,000 is the only bar to a settlement of the trust.

The North America Life Insurance Company.

H. R. PIERSON, *Receiver.*

(Appointed March 8, 1877.)

No report.

*The New York State Life Insurance Company.*H. R. PIERSON, *Receiver.*

(Appointed March 8, 1877.)

No report.

The Oriental Savings Bank.

ROBERT HOR, STEPHEN D. TUOKER, GEORGE Z. HALLOCK.

(December 26, 1877.)

| | |
|--|------------|
| Expenses (not including taxes and rent)..... | \$6,737 16 |
|--|------------|

Dividends, 60½ per cent.

Last dividend is now in course of payment.

*The People's Savings Bank.*M. T. HUN, *Receiver, vice I. V. FRENCH.*

(Appointed March 7, 1879.)

| | |
|----------------|-------------|
| Receipts | \$10,961 38 |
| Expenses | 384 95 |

Dividends, 43½ per cent.

Suits pending render the termination of the trust uncertain.

*The Rockland Savings Bank.*TUNIS D. SEAMAN, *Receiver.*

| | |
|-------------------------------|----------|
| Receipts | \$729 75 |
| Expenses (of all kinds) | 752 63 |

No dividends, other than suits pending against trustees.

No assets.

*The Reserve Mutual Life Insurance Company.*H. R. PIERSON, *Receiver.*

(Appointed March 8, 1877.)

No report.

The Sixpenny Savings Bank.

WM. F. RUSSELL, *Receiver.*

(Appointed March 20, 1878.)

| | |
|------------------------------|----------------|
| Receipts..... | \$1,453,018 08 |
| Liabilities..... | 1,782,738 44 |
| Expenses (of all kinds)..... | 87,794 51 |

Dividends, 65 per cent.
Hopes to be able to pay final dividend of 15 per cent by the first of June.

The Security Life Insurance Company.

WM. H. WICKHAM, *Receiver.*

(Appointed December 14, 1876.)

| | |
|---|-------------|
| Expenses (including three appeals to court of appeals)..... | \$38,746 99 |
|---|-------------|

Receiver's fees of 5 per cent, as per order of court.
Expects to pay a dividend of 10 per cent, and close trust at an early day. This has been a leading case in deciding the law of distribution, settled, in a large degree, by the three appeals alluded to in the item of expenses.

The Teutonia Savings Bank.

JAS. D. FISH, *Receiver.*

(Appointed April 30, 1878.)

| | |
|---------------|----------------|
| Receipts..... | \$1,018,127 05 |
| Expenses..... | 41,468 74 |

Dividends, 65 per cent.
Suits against trustees and to reduce securities are still pending.
Hopes to pay a further dividend of 10 per cent.

The Trades Savings Bank.

SAMUEL B. WHITE, *Receiver.*

(Appointed October 27, 1876.)

| | |
|---------------------------------|------------|
| Cash on hand..... | \$1,400 00 |
| Expenses (including taxes)..... | 2,387 40 |

Dividends, 15 per cent.
Few assets of value remain in receiver's hands.

*The Third Avenue Savings Bank.*S. H. HURD, *Receiver, vice* Wm. F. CARMAN.

(Appointed December 6, 1876.)

| | |
|---------------|--------------|
| Receipts..... | \$350,422 20 |
| Expenses..... | 54,872 49 |

Dividends, 15 per cent.

Important suits pending, together with judgments to be collected, prevent the closing up the trust. In all *thirty-five* suits have been instituted, but for which, receiver thinks, 10 per cent dividend could not have been paid.

*The Union Savings Bank.*P. P. WIGGINS, *Receiver.*

(Appointed October 21, 1876.)

| | |
|------------------------------|-------------|
| Receipts..... | \$80,808 08 |
| Expenses (of all kinds)..... | 2,244 45 |

Dividends paid, 50 per cent.

Expects to be able to pay a further dividend of 20 per cent. The termination of the trust is dependent on the disposal of a large amount of real estate.

*The Westphalia Savings and Aid Institution.*JULIUS DETZ, *Receiver.*

(Appointed January 18, 1879.)

| | |
|--|------------|
| Receipts..... | \$1,100 00 |
| Liabilities..... | 1,800 00 |
| Expenses (no receiver's fees charged)..... | 67 00 |

Termination of trust dependent on suits pending.

*The World Mutual Life Insurance Company.*S. W. ROSENDALE, *Receiver.*

(Appointed March 23, 1877.)

| | |
|-----------------------------|------------|
| Ascertained assets..... | \$5,247 88 |
| Liabilities..... | 200,919 33 |
| Expenses for last year..... | 128 36 |

No dividends.

Suits pending control the termination of the trust.

The Widows and Orphans' Benefit Life Insurance Company.

H. R. PIERSON, *Receiver.*

(Appointed March 8, 1877.)

No report.

The Yorkville Savings Bank.

VEDDER VAN DYCK, *Receiver.*

(Appointed July 25, 1877.)

| | |
|------------------|-------------|
| Receipts..... | \$6, 009 12 |
| Liabilities..... | 20, 027 18 |
| Expenses..... | 3, 127 54 |

No dividends have been paid. They may reach 50 per cent, possibly 100 per cent; but the result is dependent entirely on litigation now pending.

No proceedings on my part have been instituted against any receivers who have failed to make reports, or those whose reports are unsatisfactory, for the reason that more complete authority to institute such proceedings is desired, and the proper legislation, in my opinion, has been recommended to the legislature, and not yet granted.

This report has been delayed, for the reason that I hoped by such delay to acquire more specific and satisfactory reports and information for the legislature and the people.

All of which is respectfully submitted.

HAMILTON WARD,
Attorney-General.

STATE OF NEW YORK.

No. 146.

IN ASSEMBLY,

MAY 20, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 689, printed No. 602, entitled "An act to amend section three of chapter five hundred and eighty-two of the Laws of eighteen hundred and sixty-four, entitled 'An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty," reported in favor of the passage of the same without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Titus,
Dougherty,
Duell,
Carpenter, E. A.,

Strait,
Chamberlain,
Cookinham,

Nowlan,
Evans,
Fish.—10

Mr. Titus, from the sub-committee of the whole, to which was referred assembly bill G. O. 916, printed No. 758, entitled "An act to amend the act entitled 'An act to amend the Revised Statutes in relation to summary proceedings to recover possession of land,' passed April third, eighteen hundred and forty-nine," reported in favor of the passage of the same, with an amendment as follows :

To amend the title so that it will read :

An act to amend chapter one hundred and ninety-three of the Laws of eighteen hundred and forty-nine, entitled "An act to amend the Revised Statutes in relation to summary proceedings to recover possession of land."

Said bill was ordered reported by the following vote :

[Assem. Doc. No. 146.]

Affirmative:

Titus,
Dougherty,
Duell,

Carpenter, E. A.,
Strait,
Chamberlain,

Cookinham,
Nowlan,
Fish.—9

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 989, printed No. 286, entitled "An act for the relief of Thomas Cottman," reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative:

Titus,
Dougherty,
Duell,

Carpenter, E. A.,
Strait,
Chamberlain,

Cookinham,
Nowlan,
Fish.—9

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 990, printed No. 254, entitled "An act to amend chapter two hundred and fifty-eight of the Laws of eighteen hundred and forty-nine, entitled 'An act in relation to suits by and against joint-stock companies and associations,' and also to amend chapter four hundred and fifty-five of the Laws of eighteen hundred and fifty-one, entitled 'An act to extend the 'act in relation to suits by and against joint-stock companies and associations,' to companies having a joint or common interest in property,'" reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote:

Affirmative:

Titus,
Dougherty,
Duell,

Strait,
Chamberlain,
Cookinham,

Nowlan,
Evans,
Fish.—9

STATE OF NEW YORK.

No. 147.

IN ASSEMBLY,

MAY 21, 1880.

REPORT

OF THE SUB-COMMITTEE OF THE WHOLE.

Mr. Titus, from the sub-committee of the whole, to which was referred senate bill G. O. 929, printed No. 262, entitled "An act for the relief of Lawrence Collins, reported in favor of the passage of the same, without amendment.

Said bill was ordered reported by the following vote :

Affirmative :

Dougherty,
Duell,
Clancy,

Carpenter, E. A.,
Strait,
Gorsline,

Nowlan,
Fish,
Van Valkenburgh.—9

Negative :

Cookinham,

Evans.—2

[Assem. Doc. No. 147.]

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